



REPORT TO: East Lothian Integration Joint Board

MEETING DATE: 24 October 2024

BY: Chief Officer

SUBJECT: Integration Joint Board Member Code of Conduct and Responsibilities under the Ethical Standards Framework

1 PURPOSE

- 1.1 To provide an annual reminder to established East Lothian Integration Joint Board (IJB) members and to inform new members of the Standards Commission for Scotland (SCS) model Code of Conduct, the associated advice note for IJB members and the Ethical Standards Framework.

2 RECOMMENDATIONS

The IJB is asked to:

- 2.1 Note the requirement for all IJBs to have a Code of Conduct to maintain compliance with the Ethical Standards in Public Life etc. (Scotland) Act 2000.
- 2.2 Note that the East Lothian IJB Code (Appendix 1) was revised and adopted in 2022 and that members were last updated on the Code's requirement in October 2023.
- 2.3 Note the Chief Officer's role as Standards Officer for the IJB and the position's reporting, support and advisory duties to Board members.
- 2.4 Note the requirements placed on all IJB members by the Code of Conduct and advice notes issued by the Standards Commission for Scotland
- 2.5 Ensure that individual members of East Lothian IJB have signed the Code of Conduct and update and maintain their entry in the Register of Interests held by the East Lothian Council Committee Clerks.

3 BACKGROUND

- 3.1 Integration Joint Boards (IJBs) were established in 2014 through the Public Bodies (Joint Working) Scotland Act, as a means for health boards and local authorities to integrate adult health and social care services and budgets, through delegation to a locally accountable body.
- 3.2 East Lothian IJB was established in July 2015, taking on responsibility for development of integrated planning and delivery of health and social care services and criminal justice social work in the East Lothian Council geographical area, as well as certain acute hospital services managed by NHS Lothian.
- 3.3 All IJBs, as Devolved Public Bodies, must adopt a Code of Conduct to comply with the Ethical Standards in Public Life etc. (Scotland) Act 2000.
- 3.4 East Lothian IJB issued its first Code of Conduct in October 2015. This applied until the Standards Commission for Scotland developed a revised model Code in 2022, which the IJB subsequently adopted, with all members at that time signing the code to indicate acceptance. Signing of the Code is a requirement for all IJB members when they join the IJB.
- 3.5 The Code of Conduct reflects the nine key principles of public life in Scotland, which members of public bodies must adhere to. These are:
- Duty
 - Selflessness
 - Integrity
 - Objectivity
 - Accountability and Stewardship
 - Openness
 - Honesty
 - Leadership
 - Respect.
- 3.6 The Code of Conduct states how its requirements should be applied in practice, provides illustrative case studies and sets out provisions for dealing with alleged breaches of the Code, including available sanctions on members.
- 3.7 The Standards Commission for Scotland has issued an Advice Note for members of Integration Joint Boards (Appendix 2, updated in June 2024). The Note:
- Provides members of IJBs “...with an overview of their responsibilities under the ethical standards framework.”
 - Emphasises that “...members have a personal responsibility to observe the rules in their IJBs Code of Conduct...” and reflects that the “Advice Note is intended to assist [members] in interpreting the provisions in their IJB’s Code of Conduct, and should, therefore, be read in conjunction with the Code.”
 - Directs that the IJBs Code of Conduct “...will apply in all situations, and at all times, where Members are acting as a member of the IJB, have

referred to themselves as a member or could objectively be considered to be acting as a member.”

- Notes that Councillor or NHS Board non-executive director IJB members should adopt an independent position in discharging their IJB role.
- Clearly delineates the strategic role of IJB members and its separation from the operational/service management role of the Chief Officer and HSCP officers.
- Provides examples of potential breaches of the Code of Conduct, to assist members in judging where the code is at risk of being breached.
- Highlights the circumstances under which an IJB member might be sanctioned and/or disqualified.

3.8 The 2015 and 2022 Codes of Conduct recognise the Chief Officer as the Standards Officer for the IJB. The Standards Commission for Scotland (SCS) sets out the role of the Standards Officer in an Advice Note available at: www.standardscommissionscotland.org.uk/about-us/news/health-and-social-care-ijbs---standards-officer-appointments.

3.9 The duties of the Standards Officer cover:

- Regular training for IJB members on the ethical standards framework, the Code of Conduct and the Standards Commission guidance.
- Maintenance of high standards of conduct by promoting awareness of the Code and advising and supporting IJB members on its interpretation and application.
- Advising an individual member, if concerns arise, they may have breached the Code, or risk doing so.
- To provide members with private advice or support (although, in some circumstances the Standards Officer may need to share information with other parties).
- To maintain an IJB Members' Register of Interests, updated at least yearly.
- To ensure each meeting of the IJB starts with a declaration of interest on any item/s on the agenda.
- In certain cases, to adopt an investigatory role in respect of complaints made or concerns raised about a member's conduct.
- To report to the IJB on matters relating to the Ethical Standards Framework and compliance.

3.10 The SCS also provides a suite of briefings regarding all aspects of the Code and public body and IJB member conduct. These are available at: www.standardscommissionscotland.org.uk/education-and-resources/professional-briefings.

4 ENGAGEMENT

4.1 There is no engagement required in connection with this paper.

5 POLICY IMPLICATIONS

5.1 There are no further policy implications, beyond ensuring all IJB members are aware of the Code of Conduct and associated guidance and have signed the Code and maintain their entry in the Register of Interests.

6 INTEGRATED IMPACT ASSESSMENT

6.1 The subject of this report does not affect the wellbeing of the community or have a significant impact on equality, the environment or economy.

7 DIRECTIONS

7.1 There are no implications for Directions arising from this report.

8 RESOURCE IMPLICATIONS

8.1 There are no financial, personnel, or other resource implications arising from this report.

9 BACKGROUND PAPERS

9.1 The advice note for IJB members is at Appendix 2 and available at the Standards Commission for Scotland (SCS) website:

www.standardscommissionscotland.org.uk/about-us/news/advice-note-for-members-of-ijbs

9.2 The SCS website also contains further information relevant to IJBs at: www.standardscommissionscotland.org.uk/search/?search-filter=ijb.

9.3 A presentation regarding IJB Standards is at Appendix 3.

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DATE	9 th October 2024

Appendix 1 – Code of Conduct for IJB Members

Appendix 2 - Advice Note for Members of Integration Joint Boards

Appendix 3 - IJB Standards Presentation

East Lothian
Integration Joint Board



Code of Conduct for Members of East Lothian Integration Joint Board

June 2022

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SECTION 1: INTRODUCTION TO THE EAST LoTHIAN IJB CODE OF CONDUCT

1.1 This Code of Conduct (“Code”) for members of the East Lothian Integration Joint Board (“IJB”) is based on the Model Code issued by the Scottish Ministers, with the approval of the Scottish Parliament, as required by the [Ethical Standards in Public Life etc. \(Scotland\) Act 2000 \(the “Act”\)](#).

1.2 The purpose of the Code is to set out the conduct expected of those who serve on the boards of public bodies in Scotland, including IJBs.

1.3 The Code was developed in line with the nine key principles of public life in Scotland (listed in [Section 2](#)) and sets out how the provisions of the Code should be interpreted and applied in practice.

My Responsibilities as an IJB Member

1.4 I understand that the public has a high expectation of those who serve on the boards of public bodies and the way in which they should conduct themselves in undertaking their duties. I will always seek to meet those expectations by ensuring that I conduct myself in accordance with the Code.

1.5 I will comply with the substantive provisions of this Code, being sections 3 to 6 inclusive, in all situations and at all times where I am acting as a board member of the IJB, have referred to myself as a board member or could objectively be considered to be acting as a board member.

1.6 I will comply with the substantive provisions of this Code, being sections 3 to 6 inclusive, in all my dealings with the public, employees and fellow board members, whether formal or informal.

1.7 I understand that it is my personal responsibility to familiarise myself with the provisions of this Code and that I must also comply with the law and the IJB’s rules, standing orders and regulations. I will also ensure that I am familiar with any guidance or advice notes issued by the Standards Commission for Scotland (“Standards Commission”) and the IJB, and endeavour to take part in any training offered on the Code.

1.8 I will not, at any time, advocate or encourage any action contrary to this Code.

1.9 I understand that no written information, whether in the Code itself or the associated Guidance or Advice Notes issued by the Standards Commission, can provide for all circumstances. If I am uncertain about how the Code applies, I will seek advice from the Standards Officer of the IJB (Chief Officer), failing whom the IJB Chair. I note that I may also choose to seek external legal advice on how to interpret the provisions of the Code.

Enforcement

1.10 [Part 2 of the Act](#) sets out the provisions for dealing with alleged breaches of the Code, including the sanctions that can be applied if the Standards Commission finds that there has been a breach of the Code. More information on how complaints are dealt with and the sanctions available can be found at [Annex A](#).

SECTION 2: KEY PRINCIPLES OF THE MODEL CODE OF CONDUCT

2.1 The Code is based on the following key principles of public life (para 2.3). I will behave in accordance with these principles and understand that they should be used for guidance and for interpreting the provisions in the Code.

2.2 I note that a breach of one or more of the key principles does not in itself amount to a breach of the Code. I note that, for a breach of the Code to be found, there must also be a contravention of one or more of the provisions in sections 3 to 6 inclusive of the Code.

2.3 The key principles are:

Duty

I have a duty to uphold the law and act in accordance with the law and the public trust placed in me. I have a duty to act in the interests of the East Lothian IJB of which I am a member and in accordance with the core functions and duties of the IJB.

Selflessness

I have a duty to take decisions solely in terms of public interest. I must not act in order to gain financial or other material benefit for myself, family or friends.

Integrity

I must not place myself under any financial, or other obligation to any individual or organisation that might reasonably be thought to influence me in the performance of my duties.

Objectivity

I must make decisions solely on merit and in a way that is consistent with the functions of the IJB when carrying out public business, including making appointments, awarding contracts or recommending individuals for rewards and benefits.

Accountability and Stewardship

I am accountable to the public for my decisions and actions. I have a duty to consider issues on their merits, taking account of the views of others and I must ensure that the IJB uses its resources prudently and in accordance with the law.

Openness

I have a duty to be as open as possible about my decisions and actions, giving reasons for my decisions and restricting information only when the wider public interest clearly demands.

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.

Leadership

I have a duty to promote and support these principles by leadership and example, and to maintain and strengthen the public's trust and confidence in the integrity of the IJB and its members in conducting public business.

Respect

I must respect all other board members and all employees of the IJB and the role they play, treating them with courtesy at all times. Similarly, I must respect members of the public when performing my duties as a board member.

Respect and Courtesy

3.1 I will treat everyone with courtesy and respect. This includes in person, in writing, at meetings, when I am online and when I am using social media.

3.2 I will not discriminate unlawfully on the basis of race, age, sex, sexual orientation, gender reassignment, disability, religion or belief, marital status or pregnancy/maternity. I will advance equality of opportunity and seek to foster good relations between different people.

3.3 I will not engage in any conduct that could amount to bullying or harassment(which includes sexual harassment). I accept that such conduct is completely unacceptable and will be considered to be a breach of this Code.

3.4 I accept that disrespect, bullying and harassment can be:

- a) A one-off incident,
- b) Part of a cumulative course of conduct; or
- c) A pattern of behaviour.

3.5 I understand that how, and in what context, I exhibit certain behaviours can be as important as what I communicate, given that disrespect, bullying and harassment can be physical, verbal and non-verbal conduct.

3.6 I accept that it is my responsibility to understand what constitutes bullying and harassment and I will utilise resources, including the Standards Commission's guidance and advice notes, and the IJB's policies and training material (where appropriate) to ensure that my knowledge and understanding is up to date.

3.7 Except where it is written into my role as IJB member, and/or at the invitation of the Chief Officer of East Lothian Health and Social Care Partnership (HSCP) I will not become involved in operational management. I acknowledge and understand that operational management is the responsibility of the Chief Officer and HSCP Management Team.

3.8 I will not undermine any individual employee or group of employees, or raise concerns about their performance, conduct or capability in public. I will raise any concerns I have on such matters in private with senior management as appropriate.

3.9 I will not take, or seek to take, unfair advantage of my position in my dealings with employees of the HSCP or bring any undue influence to bear on employees to take a certain action. I will not ask or direct employees to do something which I know, or should reasonably know, could compromise them or prevent them from undertaking their duties properly and appropriately.

3.10 I will respect and comply with rulings from the Chair during meetings of:

- a) The IJB, its committees; and
- b) Any outside organisations that I have been appointed or nominated to by the IJB or on which I represent the IJB.

3.11 I will respect the principle of collective decision-making and corporate responsibility. This means that once the IJB has made a decision, I will support that decision, even if I did not agree with it or vote for it.

Remuneration, Allowances and Expenses

3.12 I will comply with the rules, and the policies of the IJB, on the payment of remuneration, allowances and expenses.

Gifts and Hospitality

3.13 I understand that I may be offered gifts (including money raised via crowdfunding or sponsorship), hospitality, material benefits or services (“gift or hospitality”) that may be reasonably regarded by a member of the public with knowledge of the relevant facts as placing me under an improper obligation or being capable of influencing my judgement.

3.14 I will never **ask for** or **seek** any gift or hospitality.

3.15 I will refuse any gift or hospitality, unless it is:

- a) A minor item or token of modest intrinsic value offered on an infrequent basis;
- b) A gift being offered to the IJB;
- c) Hospitality which would reasonably be associated with my duties as a board member; or
- d) Hospitality which has been approved in advance by the IJB.

3.16 I will consider whether there could be a reasonable perception that any gift or hospitality received by a person or body connected to me could or would influence my judgement.

3.17 I will not allow the promise of money or other financial advantage to induce me to act improperly in my role as an IJB board member. I accept that the money or advantage (including any gift or hospitality) does not have to be given to me directly. The offer of monies or advantages to others, including community groups, may amount to bribery, if the intention is to induce me to improperly perform a function.

3.18 I will never accept any gift or hospitality from any individual or applicant who is awaiting a decision from, or seeking to do business with, the IJB.

3.19 If I consider that declining an offer of a gift would cause offence, I will accept it and hand it over to the IJB at the earliest possible opportunity and ask for it to be registered.

3.20 I will promptly advise the IJB’s Standards Officer (Chief Officer) if I am offered (but refuse) any gift or hospitality of any significant value and/or if I am offered any gift or hospitality from the same source on a repeated basis, so that the IJB can monitor this.

3.21 I will familiarise myself with the terms of the [Bribery Act 2010](#), which provides for offences of bribing another person and offences relating to being bribed.

Confidentiality

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 an IJB member. I will not use it in any way for personal advantage or to discredit the IJB (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.

Use of Integration Joint Board Resources

3.26 I will only use the IJB' resources, including employee assistance, facilities, stationery and IT equipment, for carrying out duties on behalf of the IJB, in accordance with its relevant policies.

3.27 I will not use, or in any way enable others to use, the IJB's resources:

- a) Imprudently (without thinking about the implications or consequences);
- b) Unlawfully;
- c) For any political activities or matters relating to these; or
- d) Improperly.

Dealing with the Integration Joint Board and Preferential Treatment

3.28 I will not use, or attempt to use, my position or influence as a board member to:

- a) Improperly confer on or secure for myself, or others, an advantage;
- b) Avoid a disadvantage for myself, or create a disadvantage for others or
- c) Improperly seek preferential treatment or access for myself or others.

3.29 I will avoid any action which could lead members of the public to believe that preferential treatment or access is being sought.

3.30 I will advise employees of any connection, as defined at [Section 5](#), I may have to a matter, when seeking information or advice or responding to a request for information or advice from them.

Appointments to Outside Organisations

3.31 If I am appointed, or nominated by the IJB, 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.

3.32 I accept that if I am a director or trustee (or equivalent) of a company or a charity, I will be responsible for identifying, and taking advice on, any conflicts of interest that may arise between the company or charity and the IJB.

SECTION 4: REGISTRATION OF INTERESTS

4.1 The following paragraphs set out what I have to register when I am appointed to the IJB and whenever my circumstances change. The register covers my current term of appointment.

4.2 I understand that regulations made by the Scottish Ministers describe the detail and timescale for registering interests; including a requirement that a board member must register their registrable interests within one month of becoming a board member, and register any changes to those interests within one month of those changes having occurred.

4.3 The interests which I am required to register are those set out in the following paragraphs. Other than as required by paragraph 4.23, I understand it is not necessary to register the interests of my spouse or cohabitee.

Category One: Remuneration

4.4 I will register any work for which I receive, or expect to receive, payment. I have a registrable interest where I receive remuneration by virtue of being:

- a) Employed;
- b) Self-employed;
- c) The holder of an office;
- d) A director of an undertaking;
- e) A partner in a firm;
- f) Appointed or nominated by the IJB to another body; or
- g) Engaged in a trade, profession or vocation or any other work.

4.5 I understand that in relation to 4.4 above, the amount of remuneration does not require to be registered. I understand that any remuneration received as a board member of IJB does not have to be registered.

4.6 I understand that if a position is not remunerated it does not need to be registered under this category. However, unremunerated directorships may need to be registered under Category Two, 'Other Roles'.

4.7 I must register any allowances I receive in relation to membership of any organisation under Category One.

4.8 When registering employment as an employee, I must give the full name of the employer, the nature of its business, and the nature of the post I hold in the organisation.

4.9 When registering remuneration from the categories listed in paragraph 4.4 (b) to (g) above, I must provide the full name and give details of the nature of the business, organisation, undertaking, partnership or other body, as appropriate. I recognise that some other employments may be incompatible with my role as board member of the IJB in terms of paragraph [6.7](#) of this Code.

4.10 Where I otherwise undertake a trade, profession or vocation, or any other work, the detail to be given is the nature of the work and how often it is undertaken.

4.11 When registering a directorship, it is necessary to provide the registered name and registered number of the undertaking in which the directorship is held and provide information about the nature of its business.

4.12 I understand that registration of a pension is not required as this falls outside the scope of the category.

Category Two: Other Roles

4.13 I will register any unremunerated directorships where the body in question is a subsidiary or parent company of an undertaking in which I hold a remunerated directorship.

4.14 I will register the registered name and registered number of the subsidiary or parent company or other undertaking and the nature of its business, and its relationship to the company or other undertaking in which I am a director and from which I receive remuneration.

Category Three: Contracts

4.15 I have a registerable interest where I (or a firm in which I am a partner, or an undertaking in which I am a director or in which I have shares of a value as described in paragraph 4.20 below) have made a contract with the IJB:

- a) Under which goods or services are to be provided, or works are to be executed; and
- b) Which has not been fully discharged.

4.16 I will register a description of the contract, including its duration, but excluding the value.

Category Four: Election Expenses

4.17 If I have been elected to the IJB, then I will register a description of, and statement of, any assistance towards election expenses relating to election to the IJB.

Category Five: Houses, Land and Buildings

4.18 I have a registrable interest where I own or have any other right or interest in houses, land and buildings, which may be significant to, of relevance to, or bear upon, the work and operation of The IJB.

4.19 I accept that, when deciding whether or not I need to register any interest I have in houses, land or buildings, the test to be applied is whether a member of the public, with knowledge of the relevant facts, would reasonably regard the interest as being so significant that it could potentially affect my responsibilities to my public body and to the public, or could influence my actions, speeches or decision-making.

Category Six: Interest in Shares and Securities

4.20 I have a registerable interest where:

- a) I own or have an interest in more than 1% of the issued share capital of the company or other body; or
- b) Where, at the relevant date, the market value of any shares and securities (in any one specific company or body) that I own or have an interest in is greater than £25,000.

Category Seven: Gifts and Hospitality

4.21 I understand the requirements of paragraphs 3.13 to 3.21 regarding gifts and hospitality. As I will not accept any gifts or hospitality, other than under the limited circumstances allowed, I understand there is no longer the need to register any.

Category Eight: Non-Financial Interests

4.22 I may also have other interests and I understand it is equally important that relevant interests such as membership or holding office in other public bodies, companies, clubs, societies and organisations such as trades unions and voluntary organisations, are registered and described. In this context, I understand non-financial interests are those which members of the public with knowledge of the relevant facts might reasonably think could influence my actions, speeches, votes or decision-making in the IJB (this includes its committees and memberships of other organisations to which I have been appointed or nominated by the IJB).

Category Nine: Close Family Members

4.23 I will register the interests of any close family member who has transactions with the IJB or is likely to have transactions or do business with it.

SECTION 5: DECLARATION OF INTERESTS

Stage 1: Connection

5.1 For each particular matter I am involved in as a board member, I will first consider whether I have a connection to that matter.

5.2 I understand that a connection is any link between the matter being considered and me, or a person or body I am associated with. This could be a family relationship or a social or professional contact.

5.3 A connection includes anything that I have registered as an interest.

5.4 A connection does not include being a member of a body to which I have been appointed or nominated by the IJB as its representative, unless:

- a) The matter being considered by the IJB is quasi-judicial or regulatory; or
- b) I have a personal conflict by reason of my actions, my connections or my legal obligations.

Stage 2: Interest

5.5 I understand my connection is an interest that requires to be declared where the objective test is met - that is 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 influence the discussion or decision-making.

Stage 3: Participation

5.6 I will declare my interest as early as possible in meetings. I will not remain in the meeting nor participate in any way in those parts of meetings where I have declared an interest.

5.7 I will consider whether it is appropriate for transparency reasons to state publicly where I have a connection, which I do not consider amounts to an interest.

5.8 I note that I can apply to the Standards Commission and ask it to grant a dispensation to allow me to take part in the discussion and decision-making on a matter where I would otherwise have to declare an interest and withdraw (as a result of having a connection to the matter that would fall within the objective test). I note that such an application must be made in advance of any meetings where the dispensation is sought and that I cannot take part in any discussion or decision-making on the matter in question unless, and until, the application is granted.

5.9 I note that public confidence in a public body is damaged by the perception that decisions taken by that body are substantially influenced by factors other than the public interest. I will not accept a role or appointment if doing so means I will have to declare interests frequently at meetings in respect of my role as an IJB member. Similarly, if any appointment or nomination to another body would give rise to objective concern because of my existing personal involvement or affiliations, I will not accept the appointment or nomination.

SECTION 6: LOBBYING AND ACCESS

6.1 I understand that a wide range of people will seek access to me as an IJB member and will try to lobby me, including individuals, organisations and companies. I must distinguish between:

- a) Any role I have in dealing with enquiries from the public;
- b) Any community engagement where I am working with individuals and organisations to encourage their participation and involvement, and;
- c) Lobbying, which is where I am approached by any individual or organisation who is seeking to influence me for financial gain or advantage, particularly those who are seeking to do business with the IJB (for example in connection with contracts/procurement).

6.2 In deciding whether, and if so how, to respond to such lobbying, I will always have regard to the objective test, which is whether a member of the public, with knowledge of the relevant facts, would reasonably regard my conduct as being likely to influence my, or the IJB's, decision-making role.

6.3 I will not, in relation to contact with any person or organisation that lobbies, do anything which contravenes this Code or any other relevant rule of the IJB or any statutory provision.

6.4 I will not, in relation to contact with any person or organisation that lobbies, act in any way which could bring discredit upon the IJB.

6.5 If I have concerns about the approach or methods used by any person or organisation in their contacts with me, I will seek the guidance of the IJB Chair, Chief Officer of the HSCP or Standards Officer (Chief Officer) of the IJB.

6.6 The public must be assured that no person or organisation will gain better access to, or treatment by me as a result of employing a company or individual to lobby on a fee basis on their behalf. I will not, therefore, offer or accord any preferential access or treatment to those lobbying on a fee basis on behalf of clients compared with that which I accord any other person or organisation who lobbies or approaches me. I will ensure that those lobbying on a fee basis on behalf of clients are not given to understand that preferential access or treatment, compared to that accorded to any other person or organisation, might be forthcoming.

6.7 Before taking any action as a result of being lobbied, I will seek to satisfy myself about the identity of the person or organisation that is lobbying and the motive for lobbying. I understand I may choose to act in response to a person or organisation lobbying on a fee basis on behalf of clients but it is important that I understand the basis on which I am being lobbied in order to ensure that any action taken in connection with the lobbyist complies with the standards set out in this Code and the [Lobbying \(Scotland\) Act 2016](#).

6.8 I will not accept any paid work:

- a) Which would involve me lobbying on behalf of any person or organisation or any clients of a person or organisation.
- b) To provide services as a strategist, adviser or consultant, for example, advising on how to influence the IJB and its members. This does not prohibit me from being remunerated for activity which may arise because of, or relating to, membership of my public body, such as journalism or broadcasting, or involvement in representative or presentational work, such as participation in delegations, conferences or other events.

ANNEX A: BREACHES OF THE CODE

Introduction

1. [The Ethical Standards in Public Life etc. \(Scotland\) Act 2000](#) (“the Act”) provided for a framework to encourage and, where necessary, enforce high ethical standards in public life.
2. The Act provided for the introduction of new codes of conduct for local authority councillors and members of relevant public bodies, imposing on councils and relevant public bodies a duty to help their members comply with the relevant code.
3. The Act and the subsequent Scottish Parliamentary Commissions and Commissioners etc. Act 2010 established the [Standards Commission for Scotland](#) (“Standards Commission”) and the post of [Commissioner for Ethical Standards in Public Life in Scotland](#) (“ESC”).
4. The Standards Commission and ESC are separate and independent, each with distinct functions. Complaints of breaches of a public body’s Code of Conduct are investigated by the ESC and adjudicated upon by the Standards Commission.
5. The first Model Code of Conduct came into force in 2002. The Code was subsequently reviewed and re-issued in 2014. The 2021 Code was issued by the Scottish Ministers following consultation, and with the approval of the Scottish Parliament, as required by the Act.

Investigation of Complaints

6. The ESC is responsible for investigating complaints about members of devolved public bodies. It is not, however, mandatory to report a complaint about a potential breach of the Code to the ESC. It may be more appropriate in some circumstances for attempts to be made to resolve the matter informally at a local level.
7. On conclusion of the investigation, the ESC will send a report to the Standards Commission.

Hearings

8. On receipt of a report from the ESC, the Standards Commission can choose to:
 - Do nothing;
 - Direct the ESC to carry out further investigations; or
 - Hold a Hearing.
9. Hearings are held (usually in public) to determine whether the member concerned has breached their public body’s Code of Conduct. The Hearing Panel comprises of three members of the Standards Commission. The ESC will present evidence and/or make submissions at the Hearing about the investigation and any conclusions as to whether the member has contravened the Code. The member is entitled to attend or be represented at the Hearing and can also present evidence and make submissions.

Both parties can call witnesses. Once it has heard all the evidence and submissions, the Hearing Panel will make a determination about whether or not it is satisfied, on the balance of probabilities, that there has been a contravention of the Code by the member. If the Hearing Panel decides that a member has breached their public body's Code, it is obliged to impose a sanction.

Sanctions

10. The sanctions that can be imposed following a finding of a breach of the Code are as follows:

- **Censure:** A censure is a formal record of the Standards Commission's severe and public disapproval of the member concerned.
- **Suspension:** This can be a full or partial suspension (for up to one year). A full suspension means that the member is suspended from attending all meetings of the public body. Partial suspension means that the member is suspended from attending some of the meetings of the public body. The Commission can direct that any remuneration or allowance the member receives as a result of their membership of the public body be reduced or not paid during a period of suspension.
- **Disqualification:** Disqualification means that the member is removed from membership of the body and disqualified (for a period not exceeding five years), from membership of the body. Where a member is also a member of another devolved public body (as defined in the Act), the Commission may also remove or disqualify that person in respect of that membership. Full details of the sanctions are set out in section 19 of the Act.

Interim Suspensions

11. Section 21 of the Act provides the Standards Commission with the power to impose an interim suspension on a member on receipt of an interim report from the ESC about an ongoing investigation. In making a decision about whether or not to impose an interim suspension, a Panel comprising of three Members of the Standards Commission will review the interim report and any representations received from the member and will consider whether it is satisfied:

- That the further conduct of the ESC's investigation is likely to be prejudiced if such an action is not taken (for example if there are concerns that the member may try to interfere with evidence or witnesses); or
- That it is otherwise in the public interest to take such a measure. A policy outlining how the Standards Commission makes any decision under Section 21 and the procedures it will follow in doing so, should any such a report be received from the ESC can be found [here](#).

12. The decision to impose an interim suspension is not, and should not be seen as, a finding on the merits of any complaint or the validity of any allegations against a member of a devolved public body, nor should it be viewed as a disciplinary measure.

ANNEX B: DEFINITIONS

“Bullying” is inappropriate and unwelcome behaviour which is offensive and intimidating, and which makes an individual or group feel undermined, humiliated or insulted.

"Chair" includes Board Convener or any other individual discharging a similar function to that of a Chair or Convener under alternative decision-making structures.

“Code” is the code of conduct for members of East Lothian Integration Joint Board, which is based on the Model Code of Conduct for members of devolved public bodies in Scotland.

"Cohabitee" includes any person who is living with you in a relationship similar to that of a partner, civil partner, or spouse.

“Confidential Information” includes:

- Any information passed on to the public body by a Government department (even if it is not clearly marked as confidential) which does not allow the disclosure of that information to the public;
- Information of which the law prohibits disclosure (under statute or by the order of a Court);
- Any legal advice provided to the public body; or
- Any other information which would reasonably be considered a breach of confidence should it be made public.

"Election expenses" means expenses incurred, whether before, during or after the election, on account of, or in respect of, the conduct or management of the election.

“Employee” includes individuals employed:

- Directly by the public body;
- As contractors by the public body, or
- By a contractor to work on the public body’s premises.

“Gifts” a gift can include any item or service received free of charge, or which may be offered or promised at a discounted rate or on terms not available to the general public. Gifts include benefits such as relief from indebtedness, loan concessions, or provision of property, services or facilities at a cost below that generally charged to members of the public. It can also include gifts received directly or gifts received by any company in which the recipient holds a controlling interest in, or by a partnership of which the recipient is a partner.

“Harassment” is any unwelcome behaviour or conduct which makes someone feel offended, humiliated, intimidated, frightened and/or uncomfortable. Harassment can be experienced directly or indirectly and can occur as an isolated incident or as a course of persistent behaviour.

“Hospitality” includes the offer or promise of food, drink, accommodation, entertainment or the opportunity to attend any cultural or sporting event on terms not available to the general public.

“Relevant Date” where a board member had an interest in shares at the date on which the member was appointed as a member, the relevant date is – (a) that date; and (b) the 5th April immediately following that date and in each succeeding year, where the interest is retained on that 5th April.

“Public body” means a devolved public body listed in Schedule 3 of the Ethical Standards in Public Life etc. (Scotland) Act 2000, as amended.

“Remuneration” includes any salary, wage, share of profits, fee, other monetary benefit or benefit in kind.

“Securities” a security is a certificate or other financial instrument that has monetary value and can be traded. Securities includes equity and debt securities, such as stocks bonds and debentures.

“Undertaking” means:

- a) A body corporate or partnership; or
- b) An unincorporated association carrying on a trade or business, with or without a view to a profit.

ADVICE FOR MEMBERS OF HEALTH AND SOCIAL CARE INTEGRATION JOINT BOARDS

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. It seeks, in particular, to assist such members in recognising and dealing with potential conflicts of interest. This is to help minimise the risk of the impact of any such a conflict on effective governance and to help members ensure they comply with their board's Code of Conduct.
- 1.2 Members have a personal responsibility to observe the rules in their IJB's Code of Conduct, which is based on the revised [Model Code of Conduct](#) issued by the Scottish Ministers in December 2021. This Advice Note is intended to assist members in interpreting and complying with the provisions in their IJB's Code of Conduct, which will be referred to as 'the IJB's Code' in this Advice Note. The Advice Note should, therefore, be read in conjunction with the IJB's Code. The Standards Commission's [Guidance on the Model Code of Conduct for Members of Devolved Public Bodies](#) and its [Advice Notes](#) also provide advice on how the relevant provisions in the Codes should be interpreted.
- 1.3 This Advice Note concentrates on the provisions in the IJB's Code that may be the most relevant to IJB members and can cause the most issues, in terms of interpretation and compliance. Some examples have been included, to assist members in relating the provisions to scenarios they may face or situations in which they may find themselves.

2. Standards Commission and the Ethical Standards Framework

- 2.1 The Standards Commission's functions are provided by the Ethical Standards in Public Life etc. (Scotland) Act 2000 (the 2000 Act). The 2000 Act created an ethical standards framework whereby councillors and members of devolved public bodies are required to comply with Codes of Conduct, which are issued by the Scottish Ministers.
- 2.2 The role of the Standards Commission is to:
- encourage high ethical standards in public life. This includes promoting and enforcing the Codes of Conduct and issuing guidance to councils and devolved public bodies; and
 - adjudicate on alleged breaches of the Codes of Conduct, and where a breach is found, to determine the sanction to be applied.
- 2.3 Complaints about potential breaches of the Codes of Conduct by councillors and members of devolved public bodies (including IJBs) are investigated by the Ethical Standards Commissioner

(ESC). Following the completion of an investigation, the ESC will submit a report to the Standards Commission.

- 2.4 The Standards Commission will review the ESC's report and determine whether to:
- direct the ESC to carry out further investigations;
 - hold a Hearing; or
 - do neither.
- 2.5 The Standards Commission holds Hearings to determine whether there has been a breach of their respective Codes of Conduct by the councillor or member. If, having considered the evidence led and submissions made at the Hearing, the Standards Commission's Hearing Panel concludes, on the balance of probabilities, that a breach of the Code occurred, it will then determine the sanction to be applied.
- 2.6 It should be noted that the Public Bodies (Joint Working) (Integration Joint Boards) Scotland Order 2014 provides, at paragraph 8(3), that an individual will be automatically disqualified from being a member of an IJB if they have been subject to a sanction under section 19(1)(b) to (e) of the 2000 Act. The Health Boards (Membership and Procedure) (Scotland) Amendment Regulations 2016 contains an analogous provision, at paragraph 2(5)(j), for members of health boards. This means that if the Standards Commission, at a Hearing, imposes any sanction, other than a censure, on any individual for a breach of a Code of Conduct of any organisation within its remit (including local authorities, IJBs, health boards and other public bodies), that individual will be disqualified from being a member of any IJB or health board, without limit of time.

3. Compliance with the IJB's Code

- 3.1 All public bodies (including IJBs) listed at Schedule 3 of the 2000 Act should ensure that appropriate training on the ethical standards framework, the IJB's Code, and the guidance issued by the Standards Commission is provided to its members. This includes ensuring training is provided as part of a member's induction and on a regular basis thereafter.
- 3.2 It is, however, a member's personal responsibility to ensure that they comply with the provisions in the IJB's Code. Members are also expected to contribute to the promotion and maintenance of high standards of conduct by ensuring they lead by example and encourage their colleagues to adhere to the IJB's Code and the key principles of public life.
- 3.3 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 discharge. These can include ensuring that appropriate training is given to members on the ethical standards framework, the IJB's Code and the Standards Commission's Guidance. The Standards Officer can also provide advice and support to members on the interpretation and application of the IJB's Code.
- 3.4 Members can seek advice on the IJB's Code, or any other aspect of the ethical standards framework, from the Standards Commission at any time. The Chair can also provide advice and support to members on the interpretation and application of the IJB's Code.
- 3.5 It should be noted that the IJB's Code will apply in all situations, and at all times, where any individual member:
- is acting as a member of the IJB;
 - has referred to themselves as a member; and / or

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

3.6 In determining whether a member would objectively be considered as acting as such, and whether the IJB's Code applies, the Standards Commission will consider whether a member of the public, with knowledge of the relevant facts, would reasonably consider that the individual was acting as a member of the IJB at the time of the events in question.

An example of where the IJB's Code might apply could be where a member has posted disrespectful comments online 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 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 or its business, or even health and social care related issues.

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

4. Understanding the IJBs Role, Responsibilities and Composition

4.1 The Public Bodies (Joint Working) (Scotland) Act 2014 required councils and NHS boards to work together to form partnerships, known as Integration Authorities, to ensure health and social care services are well integrated.

4.2 In accordance with Section 26 of the 2014 Act, IJBs direct their respective NHS board and council to deliver services and carry out functions delegated to the IJB, meaning NHS boards and councils are accountable to IJBs for the delivery of services as directed, with IJBs being accountable for overseeing the delivery of services.

4.3 Both NHS boards and councils delegate specific services to the IJB and provide money and resources. IJBs are then responsible for planning health and care services and have full powers to decide how to use resources and deliver delegated services to improve quality and outcomes. Each IJB is required to appoint a chief officer. The IJB will be accountable for overseeing delivery of services through delegation to the Chief Officer. Chief Officers have a direct line of accountability to their respective NHS boards and councils.. Integration is intended to shift the focus from what worked for organisations, to what works for individuals who require health and social care services.

4.4 Boards of IJBs comprise of a mix of voting and non-voting members. Councils and NHS boards are each required to nominate at least three voting members, with the number from each body being equal (NHS boards nominate non-executive directors to the IJB and councils nominate councillors).

4.5 IJBs also include non-voting members, including a service user and a representative from the voluntary sector (albeit the voting members are exclusively members from councils and NHS boards). Non-voting members drawn from such constituencies are referred to as 'representative' in this Advice Note, for ease of understanding.

5. Understanding an Individual Member's Role and Responsibilities

5.1 IJBs include representatives from councils, NHS boards, GPs, the voluntary sector, and service users. Members should recognise that the reason that IJBs comprise of individuals with different backgrounds, knowledge and experiences is to ensure diversity of thought and to ensure that input from, and the perspectives of, all key stakeholders are considered in any decision-making.

- 5.2 Members should ensure that they understand, respect and take account of differences in each other's backgrounds, knowledge and experiences, as well as the potential differences between the culture of their nominating bodies, so these do not become a barrier to progress and to the effectiveness of the board itself.
- 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.
- 5.4 It is important for IJBs to ensure governance and accountability in respect of both finance and performance. Before accepting appointment, members should ensure that they are fully aware of the IJB's purpose, structure and strategic aims. They should also ensure they understand the functions the IJB performs and the activities it undertakes.
- 5.5 It is also important for members to have knowledge of the funding arrangements for the IJB, including the level of funding provided by the council and health board. Members should be satisfied that they are aware of the IJB's financial monitoring and reporting arrangements and also its approach to risk. IJB members are responsible for overseeing IJBs and scrutinising performance to ensure that they are being properly run, with all funds being used appropriately and in accordance with 'best value' principles.
- 5.6 The design of IJBs brings the potential for real or perceived conflicts of interest for their members. All voting members of the IJB are nominated by local NHS boards and councils and, while members of the IJB, these voting members will also continue in their role as an NHS board member or a councillor. While acting as an IJB member, however, their role is to represent the IJB's interests. As a result, there is a risk that they may have a conflict of interest, particularly where there is a disagreement between the relevant council and health board with regard to IJB business (including the funding each organisation is to provide). It is the responsibility of IJB members to identify and manage any such conflicts of interest.
- 5.7 There is also a particular risk of conflict for councillor and NHS board members in that they 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.
- 5.8 The purpose of the IJB's Code is to ensure that its members adhere to the same standards of behaviour. Members should, therefore, ensure that they are familiar with the provisions in the IJB's Code and that they comply with them at all times when they are acting; have referred to themselves as a member; and / or could be objectively considered to be acting, as a member of the IJB.
- 5.9 In most cases a member's duty to act in the public interest will align with their duty to act in the best interests of the IJB. Where there is a conflict, however, they should assess whether they are required to declare an interest and whether they should withdraw from the discussion and decision-making (see Section 6 below).
- 5.10 **If an individual is a councillor member of the IJB**, they should be aware that the Councillors' Code of Conduct makes it clear that they still need to observe the rules in the Councillors' Code

even while carrying out their duties as a member of an IJB. Such members 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.

- 5.11 Similarly, **if an individual is a health board member of the IJB**, they should be aware that the Health Board’s Code of Conduct makes it clear that they still need to observe the rules in that Code even while carrying out their duties as a member of an IJB. Such members will also be bound by the IJB’s Code 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 of Conduct, which state:

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.

- 5.12 Councillor and health board members of IJBs should be mindful that the requirement to act in the interests of the IJB while carrying out duties as a member of it may require them to make decisions that could potentially be inconsistent with, or diverge from, the priorities or stated aims of the council, health board or any political party they represent.
- 5.13 IJB members should make sure they are clear about the status of their appointment and whether they are on the IJB board as a voting or non-voting member. Proxy or substitute members should be aware that they are only entitled to attend any meeting of the IJB if the member for whom they have the proxy or are a substitute for is unable to be present.
- 5.14 [Audit Scotland’s ‘Health and social care integration’](#) and [‘Health and social care integration: Update on progress’](#) reports both recommend that IJB members should be provided with training and development to prepare them for their role. The reports recommend that the training should cover managing conflicts of interest, understanding the organisational cultures of the NHS and councils and the roles of non-voting members of the IJB. Individuals should, therefore, ensure that they have undertaken this training after accepting any nomination to an IJB. Prospective members may also wish to refer to 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](#), which outline some helpful principles for roles on boards in general and for membership of an IJB. Members should consider providing feedback on any training or induction they receive to help ensure it remains effective and relevant.
- 5.15 The table below summarises the information individuals 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.
That they are 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.
The IJB’s Code of Conduct.
Their status on the IJB.

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

- 6.1 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 members are transparent about any interests which could influence, or could be considered as being likely to influence, their discussion and decision-making as a member of the IJB.
- 6.2 In most cases the duty under the IJB's Code to act in the public interest will align with a member's duty to act in the best interests of the public body. Where there is a conflict, however, members should assess whether they are required to declare an interest and whether they should withdraw from the discussion and decision-making.
- 6.3 Members must ensure that they can identify potential conflicts of interest. These will include not just the potential for competing interests between the IJB and the council, health board or any constituency from which the member has been appointed, but also between them and any other individual, body, group, organisation to which they have a connection.
- 6.4 Members should ensure they are familiar with the three-stage test for identifying and declaring interests under the IJB's Code.
- 6.5 **Stage 1 – CONNECTION:** For each particular matter members are being asked to consider as an IJB member, the member must first decide whether they have a connection to that matter. A connection is any link between the matter being considered and the member, or a person or body with whom they are associated. A connection also includes anything that has been recorded on the member's IJB Register of Interests.
- 6.6 It should be noted that a subject that may apply to a large proportion of the general public would not generally be considered to give rise to a connection for the purposes of the IJB's Code. Examples would be being a taxpayer, or being in receipt of a state pension or universal credit.
- 6.7 The IJB's Code also does not restrict the ability of a public body to benefit from the knowledge and experience of its members. Having knowledge or experience of a matter that is to be considered by an IJB is not necessarily a connection.
- 6.8 **Stage 2 – INTEREST:** In considering whether to declare an interest in any item to be considered by the board, members must consider the objective test at paragraph 5.5 of the IJB's 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 the connection) would reasonably regard the connection to the particular matter as being so significant as to be likely to influence the member's discussion or decision-making. In applying the objective test, members should always err on the side of caution.

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.

- 6.9 The test is not whether a member feels they can make any decision objectively and on its merits; the test is one of how others may perceive their ability to do so. If the objective test is met, the member concerned would have a declarable interest and cannot take part in the discussions or any voting on the matter.

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 board 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 IJB's 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.

- 6.10 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, officers, stakeholders or service users) would not in itself create a personal conflict. Members are entitled to express views and opinions and doing so before a meeting would not in itself create a declarable interest.
- 6.11 **Stage 3 – PARTICIPATION:** Members must declare any relevant interest and withdraw from the room while the item is being considered, discussed, and voted upon. It is not sufficient for the member to retire to the back of the room or any public gallery. If the meeting is being held online, members should retire to a separate breakout room or leave and re-join after the discussion on the matter has concluded. It is not sufficient for the member to turn off their 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 the member remains in a position to influence the outcome of the deliberations on the item.
- 6.12 Members should consider making a transparency statement if they have a connection to a particular matter to be discussed but, having applied the objective test, they do not consider it would amount to a declarable interest. This can be helpful if they are concerned that members of the public may not be aware of the relevant facts. In such cases, the member 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..."
- 6.13 Members appointed, nominated or elected from a particular constituency must be mindful that the requirement for them to act in the interests of the IJB while carrying out their duties as a member of it may require them to make decisions that could potentially be inconsistent with, or diverge from, the priorities or stated aims of their constituency.

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.

- 6.14 Members should be aware that the categories of interest that can require a declaration include both their own personal financial and non-financial interests (including as a member of another body, or organisation, such as a society, club or charity).
- 6.15 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 a member's friends and family, employer.
- 6.16 In terms of being a member of an outside body, the IJB's Code states that members may also have a connection where they have a personal conflict, by reason of either their actions or their legal obligations.
- 6.17 Members should not rely on or expect officers or colleagues to remind them to make declarations even if they think (or know) that others present are aware of their interests. It is solely a member's own personal responsibility to make declarations of interest as required. If a member is in any doubt at a meeting, or when reviewing the agenda and papers before a meeting, they should ask for help from the Chair or Standards Officer. It should be noted that the IJB's Code requires members to disclose or declare their personal interests both in formal and informal dealings with officers and colleagues, and not just in formal board or committee meetings.
- 6.18 If the Chair or other IJB members consider that a fellow member has a declarable interest that has not been declared, they should consider raising the matter with their colleague and advise them that they are concerned the member may be in breach of the IJB's Code. If the individual then refuses to declare the interest and leave the room, and the Chair is concerned about the potential impact of them participating, in terms of the propriety of the decision or the potential risk to the reputation of the IJB, they may wish to seek advice from the Standards Officer about whether the matter should be continued and / or for their advice to be recorded. It should be noted that a failure to listen and adhere to advice could be an aggravating factor, should a formal complaint be made, and a breach of the IJB's Code subsequently be found by the Standards Commission.
- 6.19 Members should consider whether agendas for meetings raise any issues of declaration of interest and, if so, they should make their declaration of interest as early as possible at a meeting where that interest arises. If a member only identifies the need for a declaration of interest to be made when the discussion on a particular matter is underway, they should declare the interest as soon as they realise it is necessary.
- 6.20 Members should begin their statement with the words "I declare an interest" and identify the item or items of business to which it relates. Members do not need to give a detailed description of the interest, but their statement must contain sufficient information to enable those present to understand the nature of it.
- 6.21 If accepting an appointment on an IJB would mean an individual would have to declare interests frequently, they should carefully consider whether it is appropriate to accept the appointment.

- 6.22 The Standards Commission has produced an [Advice Note for members on how and when to declare an interest at meetings](#). The Advice Note suggests further wording that members may wish to consider using when declaring an interest.
- 6.23 The table below summarises some of the questions members should consider when identifying potential conflicts of interest and making declarations of interest.

Have I registered my interests as required by the IJB's Code? If my circumstances have changed, have I updated my register?
What are the potential conflicts between the IJB and any other body I am a member of or sit on?
Have I checked the meeting agenda to determine whether I have a connection to any matter being discussed?
Do I have any personal connection, either financial or non-financial to any matter being discussed?
Does any individual, body or organisation I am connected to have any financial or non-financial interests in the matters being discussed?
Have I applied the objective test? Have I considered whether any interest I have could be perceived as being sufficiently significant that it could reasonably be taken to fall within the test?
Will I be making regular declarations of interest?

7. Culture of Respect

- 7.1 Members should behave in accordance with the IJB's Code in all situations where they act as an IJB member; have referred to themselves as an IJB member; and / or could be objectively considered to be acting as a member of the IJB. This includes at meetings, when representing the IJB on official business and when using social media.
- 7.2 Members should ensure that they are familiar, and comply, with the terms of any policy their IJB has issued on dignity in the workplace.
- 7.3 Members must treat all individuals, including their colleagues, officers and members of the public with courtesy and respect when the IJB's Code applies. They should 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 is available in the Standard's Commission's standalone [Advice Note on Bullying and Harassment](#).
- 7.4 Members should be aware of the inherent influence their role brings and ensure that they are demonstrating respect for others and encouraging colleagues to do the same.
- 7.5 As noted above, members should ensure they are aware of the composition of the IJB board and the value that having input and perspective from representatives of different bodies, organisations and sectors will bring to determining how local services can be improved.

Members can demonstrate this by ensuring that they listen to, and take account of, the views of other members.

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 him. At the last meeting of the IJB, a councillor member told the carer representative to “shut up” when he tried to object to a proposal being considered. The carer representative advised you that he considers he is being side-lined as the Chair has recently held meetings with the substitute carer representative about IJB business, but has not invited him. The carer representative is considering resigning as he feels unable to contribute properly. He considers there may have been a breach of the IJB’s Code by the Chair and others. Could he be right?

Yes. The representative is on the IJB to provide input on local services from his perspective as a carer and he 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 him. 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 speak out and challenge the inappropriate behaviour. 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 him in its discussions.

- 7.6 Members should also be aware of the role that officers undertake and ensure they are not compromising this by behaving in a manner that could result in officers feeling threatened or intimidated, which in turn could prevent them from undertaking their duties properly and appropriately. Members 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.
- 7.7 In dealing with colleagues, officers and members of the public, members should always consider both what they are expressing and the way they are expressing it. Members should also consider how their conduct could be perceived. Members 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 and / or unduly disruptive.
- 7.8 Members have a right to high quality information and are entitled to seek further information to enable them to undertake their scrutiny role effectively. Members are entitled to challenge officers and colleagues, but must not do so in a personal or offensive manner.
- 7.9 The role of members is to determine policy and to participate in decisions on matters placed before them. It is not to engage in direct operational management of the IJB. Members should not raise any issues relating to behaviour, performance or conduct of an officer in public. Any such matters should be raised privately with the appropriate senior manager.

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.

- 7.10 As members of IJBs are in a position of trust, victims or witnesses may bring inappropriate behaviour to their attention. Members can assist by becoming familiar with what is meant by harassment, discrimination, victimisation and bullying and the impact these can have on individuals or groups.
- 7.11 If a member witnesses any act of bullying, harassment, discrimination or victimisation, they should encourage the victim to seek support and assistance and make it clear that they will offer them assistance and provide evidence in the event they decide to make an informal or formal complaint.
- 7.12 Members have a responsibility to speak out if they witness bullying, harassment, discrimination or victimisation. They should challenge inappropriate behaviour as it happens and consider making a complaint.
- 7.13 Members 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.
- 7.14 Members should also be mindful of how they could be perceived, as a member of an IJB, when using social media. The Standards Commission has produced an [Advice Note](#) for members of devolved public bodies (which includes IJBs) on the use of the use of social media.

8. Decision-Making

- 8.1 Unlike the Codes for members of other devolved public bodies, the IJB's Code does not contain a requirement 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 are thoroughly debated, however, decisions should be taken, and the majority vote should prevail. Members will have to decide whether to support the decision, and if not, whether they wish to have their dissent formally recorded. Members should note that continuing with a conflict, when it has become apparent that other members will not change their minds, can waste time and be demotivating and futile.
- 8.2 Members should bear in mind that while issues can and should be debated robustly, if they 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.

You are a third sector representative on an IJB. 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?

You can ask for your dissent to be recorded in the minutes of the meeting, if you remain unhappy. Ultimately, however, if the decision is legal and was made in accordance with the IJB's standing orders, policies and procedures then it is legitimate, regardless of your opinion. You either need to accept that or consider whether you wish to remain as a member of the IJB. You could be in breach of the IJB's 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.

9. Registration of Interests

- 9.1 It is a member's personal responsibility to ensure their Register of Interests for the IJB is accurate and up to date. Members must ensure any changes are made within one month of their circumstances changing (see the [Ethical Standards in Public Life etc. \(Scotland\) Act 2000 \(Register of Interests\) Amendment \(No. 2\) Regulations 2021](#)).
- 9.2 The IJB's Code outlines the interests, financial and otherwise, that members are required to include in their Register of Interests. If members are unclear about how much information to include in the Register of Interests, they can also seek advice from the Standards Officer or the Standards Commission. Members should note that what they are required to include in their IJB Register of Interests will be different to what they may be required to include in their council or health board Register of Interests.
- 9.3 Members should bear in mind that what they are required to register in the IJB's Register of Interests and what they are required to declare may be different. Members should seek advice if they are unclear about what is required. Members should note that they cannot remedy a failure to register a financial or non-financial interest by declaring it.

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.

- 9.4 Members who are also councillors, health board members or members of other devolved public bodies should, in particular, consider whether they need to register their other role under Categories 1 (Remuneration) and 8 (Non-Financial Interests).

10. Confidentiality

- 10.1 Members should be aware of the confidentiality requirements outlined in their IJB's Code. These state that members must not disclose confidential information or information that 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. The IJB's Code notes that if a member cannot obtain such express consent, they should assume it is not given.
- 10.2 The IJB's Code further states that members are only entitled to use confidential information to undertake their duties as a member of the IJB. They must not use such information in any way for personal advantage or to discredit the IJB (even if there are of the view that the information should be publicly available).

You are a councillor representative on an IJB. You have just been told that a proposal to close a significant number of care of the elderly beds within a hospital in your ward, 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, if the proposal is not yet in the public domain and / or the intention is for it to remain confidential for the time-being. You could potentially be in breach of the confidentiality provisions in the IJB's 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.

- 10.3 If a member is also a member of an outside organisation, or is an elected or nominated member, they may have access to information that should not be disclosed to the outside organisation or their constituency. This means that if a member is provided with confidential information, such as information disclosed in a closed or private section of a board meeting, or legal advice obtained by the public body (either from employees or external legal advisers), they should not disclose or release it to any other outside organisation or individual without consent. That remains the case even if the information or decision directly concerns, or could impact upon, that outside organisation or individual. If a member is in any doubt about whether information is confidential, they should seek advice from the Standards Officer or Chair before disclosing it.
- 10.4 It should be noted that information can become confidential in a number of ways and, while sometimes the confidential nature of the material will be explicit (for example, if a document is marked 'confidential'), in other cases, it will be clear, from the nature of the information or from the circumstances in which it was provided, that it is confidential. 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.
- 10.5 Examples of confidential information can include, but are not limited to:
- the content of documents marked as confidential or non-disclosable;
 - commercial information such as information relating to a contract or a contractor's business;
 - personal or sensitive information, such as information relating to an individual's employment or health;
 - information which is confidential as a result of a statutory provision;
 - information discussed in closed or private sections of meetings;
 - legal advice obtained by the IJB (either provided by employees or external legal advisers);
- and

- information received as a result of a relationship where there is an expectation of confidence, such as between a member and a service user.

10.6 It is acknowledged, nevertheless, that the fact that there are council, health board and representative members on IJB boards means there is an expectation of partnership working with those members' constituencies. It is accepted, for example, that a councillor member may be put under pressure by colleagues to disclose any knowledge they may have about a decision made by the IJB that could have major implications for the council. IJBs are, therefore, encouraged to be as transparent as possible and to only classify information as confidential in cases where there is a very good reason for it not to be disclosed at that time. IJBs should, where possible, determine and make clear how long members will be expected to maintain confidentiality in respect of a particular decision or matter, and should be transparent about their reasoning in this regard.

11. Training and Assistance

- 11.1 Members should obtain training on the role from the IJB when appointed and should also attend any ongoing or refresher training in respect of their role.
- 11.2 Members can also contact the Standards Commission via email: enquiries@standardscommission.org.uk.

12. Sources of Information

- 12.1 Further sources of information members may find to be of assistance are listed in the table below.

Publication	Issued By
On Board: a guide for members of statutory boards	Scottish Government
Advice for Members on How to Declare Interests	Standards Commission
Advice on the use of Social Media for Members of Devolved Public Bodies	Standards Commission
Role, Responsibilities and Membership of the Integration Joint Board guidance	Scottish Government
Health and Social Care in Scotland	Audit Scotland
Registration of Interests Regulations 2021	Scottish Statutory Instrument



IJB Standards



Integration Joint Boards



- Integration Joint Boards (IJBs) were established in 2014 as a means for health boards and local authorities to integrate adult health and social care services and budgets, through delegation to a locally accountable body.
- East Lothian IJB was formally established in July 2015, taking on responsibility for development of integrated planning and delivery of health and social care services and criminal justice social work in the East Lothian Council geographical area, as well as certain acute hospital services managed by NHS Lothian.
- East Lothian IJB issued its first Code of Conduct in October 2015. This applied until the Standards Commission for Scotland developed a revised model Code in 2022, which the IJB subsequently adopted.
- The 2015 and 2022 Codes of Conduct recognise the Chief Officer as the Standards Officer for the IJB. The Standards Commission sets out the role of the Standards Officer in an Advice Note.

Standards Officer Role



- To ensure IJB members receive appropriate training (on induction and regularly thereafter) on the ethical standards framework, the Code of Conduct and the Standards Commission guidance.
- To contribute to the maintenance of high standards of conduct by promoting awareness of the Code and advising and supporting IJB members on its interpretation and application.
- To advise a member if concerns arise that the member may have breached the Code, or risks doing so.
- To make members aware that advice or support is available in private (although the Code treats any advice as confidential, in some circumstances the Standards Officer may need to share information with other parties).
- To ensure a Members' Register of Interests is maintained, with entries updated at least yearly, and to ensure each meeting of the IJB starts with a declaration of interest on any item/s on the agenda.
- To adopt an investigatory role in some cases, in respect of complaints made or concerns raised about a member's conduct.
- To report to the IJB on matters relating to the Ethical Standards Framework and compliance.

IJB Code of Conduct



- All IJBs, as Devolved Public Bodies, are required to adopt a Code of Conduct to comply with the Ethical Standards in Public Life etc. (Scotland) Act 2000.
- East Lothian IJB approved a revised Code of Conduct in June 2022 with all existing members and future members required to sign the Code to indicate acceptance.
- The Code of Conduct was based on a Model Code, developed by the Standards Commission for Scotland. The Commission also provides a suite of briefings regarding all aspects of the Code and IJB member conduct (www.standardscommissionscotland.org.uk/education-and-resources/professional-briefings).
- The Code of Conduct reflects the nine key principles of public life in Scotland (listed below).
- The Code states how its requirements should be applied in practice and sets out provisions for dealing with alleged breaches of the Code, including the sanctions that can be applied.

Nine Principles of Public Life (1/2)



Duty - I have a duty to uphold the law and act in accordance with the law and the public trust placed in me. I have a duty to act in the interests of the East Lothian IJB of which I am a member and in accordance with the core functions and duties of the IJB.

Selflessness - I have a duty to take decisions solely in terms of public interest. I must not act in order to gain financial or other material benefit for myself, family or friends.

Integrity - I must not place myself under any financial, or other obligation to any individual or organisation that might reasonably be thought to influence me in the performance of my duties.

Objectivity - I must make decisions solely on merit and in a way that is consistent with the functions of the IJB when carrying out public business. including making appointments, awarding contracts or recommending individuals for rewards and benefits.

Nine Principles of Public Life (2/2)



Accountability and Stewardship - I am accountable to the public for my decisions and actions. I have a duty to consider issues on their merits, taking account of the views of others and I must ensure that the IJB uses its resources prudently and in accordance with the law.

Openness - I have a duty to be as open as possible about my decisions and actions, giving reasons for my decisions and restricting information only when the wider public interest clearly demands.

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.

Leadership - I have a duty to promote and support these principles by leadership and example, and to maintain and strengthen the public's trust and confidence in the integrity of the IJB and its members in conducting public business.

Respect - I must respect all other board members and all employees of the IJB and the role they play, treating them with courtesy at all times. Similarly, I must respect members of the public when performing my duties as a board member.

Strategic Role and Operational Work



The Standards Commission notes that the role and work of a public body is “...*balanced with, and complemented by, the role and work of employees.*”

Public Body members determine policy and scrutinise the organisation’s performance against its strategic aims, with each member contributing to:

- Providing strategic leadership;
- Ensuring the public body meets its strategic aims and statutory obligations;
- Ensuring the public body puts the needs of its service users at the forefront of any decision making;
- Holding the Chief Executive and senior management team to account by scrutinising the way in which services are delivered and the implementation of policies and procedures;
- Making or approving decisions that are key to how the public body operates; and
- Ensuring financial stewardship is achieved through the efficient, economic and effective use of resources.

Strategic Role and Operational Work



- Guidance suggests that an IJB Member's role in scrutiny should focus on making recommendations for improvement and *"...should not normally be used to direct, instruct or pressure an individual employee to make or change a specific operational decision."*
- There are exceptions, to reflect circumstances in which operational matters have strategic implications concerning how the IJB should *"...deploy its resources and/or ones that carry a significant risk to the status or reputation of the public body, or its ability to provide services effectively."*
- It is noted that some decisions may have *"...both operational and strategic elements, particularly if they concern expenditure that does not fall within existing budgets."* Such *"...decisions may be taken jointly by members and employees; or by employees following consultation with certain members (such as members of an Audit & Risk or Human Resources Committees)."*

Strategic Role and Operational Work



- Members may be required to become involved in operational management or decision-making because of: their letter or contract of appointment; a statutory provision; on invitation from the public body's Chair; and/or having been directed to do so by their sponsor body, Minister or Cabinet Secretary.
- Examples of the above may include making decisions on:
 - casework or complaints;
 - regulatory or quasi-judicial applications; and
 - the appointment of senior employees.
- Members taking on any operational decision-making role, must be clear on *"...what it will involve and.. understand how to identify, and appropriately manage, any conflicts of interest."*
- It is acknowledged that it may on occasion be difficult for members to *"...distinguish between operational and strategic matters and to understand the extent to which they should get involved."* At such times, it may assist to seek guidance from the Standards Officer.

Public Body Members Advice Notes



The Standards Commission for Scotland provides Members Advice Notes on:

- Distinguishing Between their Strategic Role and any Operational Work.
- Bullying and Harassment.
- How to Declare Interests.
- Social Media.
- Role of a Standards Officer.
- Relations Between Members and Employees.
- Members of Health and Social Care Integration Joint Boards.
- Gifts and Hospitality.
- Conduct During Online Meetings.
- Summary of Article 10 European Convention on Human Rights (ECHR).

Advice Note for IJB Members



The specific Advice Note issued for members of Integration Joint Boards:

- Provides members of IJBs *“...with an overview of their responsibilities under the ethical standards framework.”*
- Emphasises that *“...members have a personal responsibility to observe the rules in their IJBs Code of Conduct...”* and reflects that the *“Advice Note is intended to assist [members] in interpreting the provisions in their IJB’s Code of Conduct, and should, therefore, be read in conjunction with the Code.”*
- Directs that the IJBs Code of Conduct *“...will apply in all situations, and at all times, where Members are acting as a member of the IJB, have referred to themselves as a member or could objectively be considered to be acting as a member.”*
- Provides examples of potential breaches of the Code, to assist members in judging where the code is at risk of being breached.
- Highlights the circumstances under which an IJB member might be sanctioned and/or disqualified.

Other IJB Considerations



- All IJB members need to ensure their entries in the 'Register of Interests' are kept current and that they provide a declaration of interest at the beginning of all IJB meetings.
- Councillor or non-executive director IJB members should adopt an independent position in discharging their IJB role.
- Although the majority of IJB decisions are reached by consensus, there are occasions where a vote is required for specific items. In making a decision on how to vote, IJB members should ensure they are fully and objectively informed on all aspects of the matter under consideration and act in the interest of the IJB.
- Members should familiarise themselves with the Revised Joint Integration Scheme 2023 for East Lothian, which took effect from 15th May 2023, following approval by Scottish Ministers.

Case Studies



Declarations of Interest

Your IJB is considering a report seeking approval for a programme to support the further integration of learning disability services in the area. The report recommends that the IJB approve 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, and his own role may be under threat. Should you declare an interest?

Yes. You are obliged under the Code to declare 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 by a potential competitor. There is also a financial interest, as his employment could be affected by the IJB decision. 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 decision-making.

You should declare an interest and withdraw from the room/close the MS Team link while the matter is being discussed and any decisions are being made. After this you may re-join the meeting.

Case Studies



Decision Making

You are an IJB 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 risk mitigation plan will be put in place, and that the funding cut will result in savings to deliver efficiency and innovation in respect of other analogous services. You simply cannot accept that the funding cut is necessary or appropriate.

What can you do? You can ask for your dissent to be recorded in the minutes of the meeting, if you remain unhappy. Ultimately, however, if the decision is legal and was made in accordance with the IJB's standing orders, policies and procedures then it is legitimate, regardless of your opinion. You either need to accept that or consider whether you wish to remain as a member of the IJB.

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.

Case Studies



Confidentiality

You are a councillor representative on an IJB. You have been informed that the next meeting of the IJB will consider a proposal to close a significant number of care of the elderly beds within a hospital in your ward. This is to allow investment in alternative community-based models of care. 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. If the proposal is not yet in the public domain and/or the intention is for it to remain confidential for the time-being, you could potentially be in breach of the Code's confidentiality provisions by divulging anything about the proposal without having first checked whether it should be kept private until considered. 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 IJB's consideration of the matter.

