Appendix 2

STANDARDS COMMISSION FOR SCOTLAND

INTEGRITY IN PUBLIC LIFE

REVISED MODEL CODE OF CONDUCT

KEY PROVISIONS

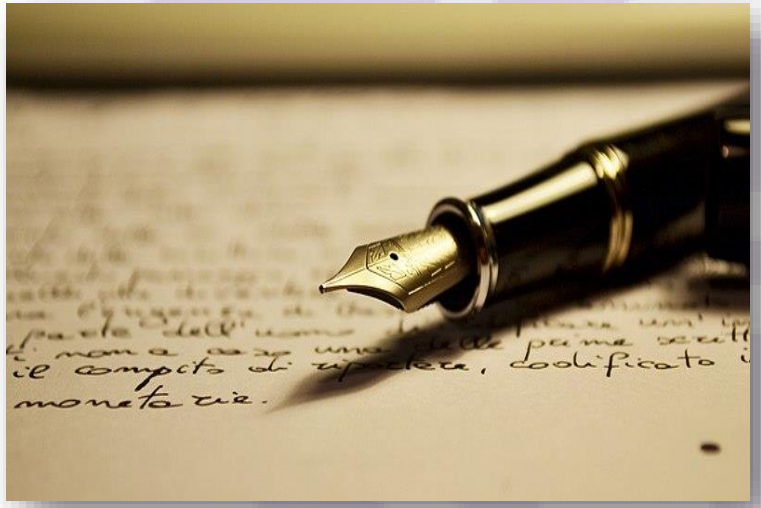
AGENDA

1. Section 1: Introduction
2. Section 2: Key Principles
3. Section 3: General Conduct
4. Section 4: Registration of Interests
5. Section 5: Declaration of Interests
6. Section 6: Lobbying & Access
7. Annexes
8. Guidance and Advice Notes
9. Further Information

SECTION 1: INTRODUCTION

My Responsibilities

- Compliance with substantive sections
- Applicability
- Personal Responsibility
- Not to advocate or encourage any action contrary to the Code
- Advice



SECTION 1: INTRODUCTION cont.

Applicability

- Acting as a member
- Identified self as a member
- Reasonably be regarded as acting as a member (objective test)
- Not prevented from expressing views provided do so in way that is compatible with Code

SECTION 2: KEY PRINCIPLES

Duty	Selflessness	Integrity
Objectivity	Accountability and Stewardship	Openness
Honesty	Leadership	Respect

Breach of one or more of the key principles does not in itself constitute evidence of a breach of the Code

SECTION 3: GENERAL CONDUCT

Respect & Courtesy, Bullying & Harassment

- Treat everyone with courtesy and respect
- Should not engage in conduct that could amount to bullying or harassment

Relations with Officers

- Must not undermine employees or raise concerns about their performance, conduct or capability in public
- Must not become involved in operational management

SECTION 3: GENERAL CONDUCT cont.

Collective Responsibility (does not apply to members of Health & Social Care IJBs)

Gifts & Hospitality

- General rule is you must never ask for or seek gifts and hospitality
- When offered, can only accept in very limited circumstances and need to consider **objective test**
- Requirement to advise Standards Officer of significant or repeated offers

SECTION 3: GENERAL CONDUCT cont.

Confidentiality

- Information marked as confidential
- Also discussions, documents and information not yet public / never intended to be public
- Should assume no consent to disclose, unless express permission provided
- Confidential information not to be used:
  - for personal advantage
  - to discredit the public body

SECTION 3: GENERAL CONDUCT cont.

Use of Public Body Resources

- Not to use a) imprudently; b) unlawfully; c) for any political activities or matters relating to these; or d) improperly

Preferential Treatment

- Not to use, or attempt to use, position or influence to secure an advantage or avoid a disadvantage for yourself or others

SECTION 4: REGISTRATION OF INTERESTS

Entries must be updated within **one month** of circumstances changing

- Category 1: Remuneration
- Category 2: Other Roles
- Category 3: Contracts
- Category 4: Election Expenses
- Category 5: Houses, Land & Buildings

4. Registration of Interests cont.

- Category 6: Interest in Shares and Securities
- Category 7: Gifts & Hospitality
- Category 8: Non-Financial Interests
- Category 9: Close Family Members

SECTION 5: DECLARATIONS OF INTEREST

1. CONNECTION

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2. INTEREST

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3. PARTICIPATION

SECTION 5: DECLARATIONS OF INTEREST cont.

1. **Connection** - exceptions:
   - Simply having previous knowledge of experience of a matter
   - When nominated or appointed as a representative of the public body on an outside body unless:
     - matter quasi-judicial / regulatory and outside body has involvement
     - personal conflict

SECTION 5: DECLARATIONS OF INTEREST cont.

2. Interest

- Application of **objective test**. If test met, the connection is a declarable interest
- Requirement to disclose/declare personal interests both in formal and informal dealings with employees and other members, not just in formal board or committee meetings

3. Participation

- Declare as early as possible and leave room (or online meeting)

Transparency Statements

SECTION 6: LOBBYING & ACCESS

Distinguishes and explains what is allowed in respect of:

1. A representative / assistance role in helping service users and dealing with their enquiries
2. Community engagement
3. Lobbying

8. Annex

Annex A: Breaches of the Code

- Investigation and adjudication of complaints
- Sanctions and interim suspensions

Annex B: Definitions

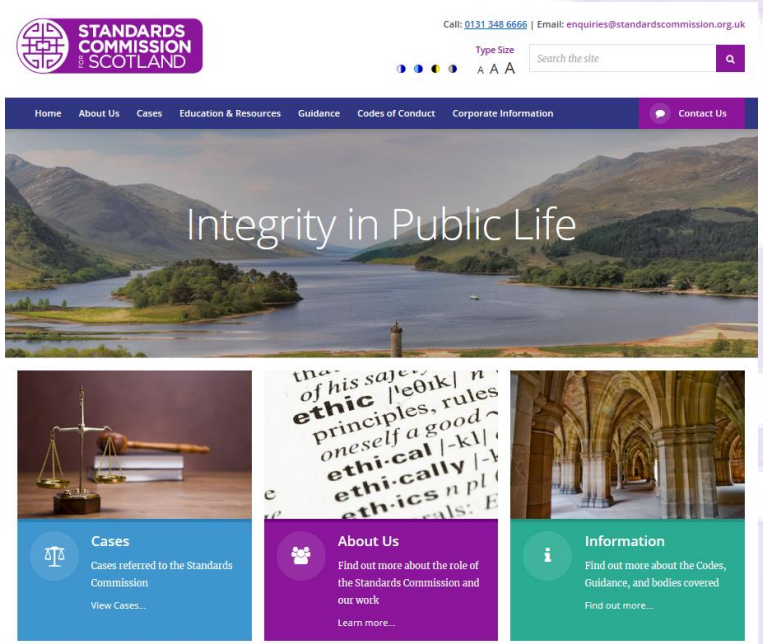
GUIDANCE AND ADVICE NOTES

Guidance

Advice Notes

- Strategic vs Operational
- Bullying & Harassment
- Role of a Standards Officer
- Article 10 ECHR (Freedom of Expression)
- Gifts & Hospitality
- How to Declare Interests
- Guide to the Code for Members of the Public
- Social Media
- Relations between members and employees
- For Members of IJBs

FURTHER INFORMATION



Standards Commission's website:

- Hearings Decisions
- Codes of Conduct
- Guidance and Advice Notes
- Standards Updates

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