

## **HEALTH AND WELLBEING BOARD**

### **CODE OF CONDUCT FOR CO-OPTED MEMBERS**

This Code of Conduct, which applies only to co-opted members of the Health and Wellbeing Board ('the Board') who are not elected members, has been adapted from Leicestershire County Council's Code of Conduct to recognise the particular circumstances that apply to officers and representatives of other bodies. This Code is intended to promote high standards of behaviour amongst the co-opted members of the Board. Members of the Board who are County Councillors will be subject to the Leicestershire County Council Code of Conduct and members who are District Councillors will be subject to their Authority's Code.

This Code applies to all co-opted members of the Board. It is your responsibility to comply with the provisions of this Code and ensure all obligations are met.

#### **Scope**

1. You must comply with this Code whenever you:
  - 1.1 act in your capacity as a member of the Health and Wellbeing Board;
  - 1.2 conduct the business of the Health and Wellbeing Board.

#### **The Principles**

- 2.1 In accordance with the requirements of the Localism Act 2011, you must have regard to the following principles and observe the following rules of behaviour:-

##### **Principle 1 - Selflessness**

Holders of public office should act solely in terms of the public interest.

##### **Principle 2 - Integrity**

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

##### **Principle 3 - Objectivity**

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

##### **Principle 4 - Accountability**

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Principle 5 - Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Principle 6 - Honesty

Holders of public office should be truthful.

Principle 7 - Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

- 2.2. The above principles articulate the fundamental values of public service that underpin the conduct of Board Members. The following provisions contained in this Code are derived from these principles and provide a set of enforceable minimum standards for the conduct that is expected of co-opted members of the Health and Wellbeing Board.

**General Obligations****Respect**

- 3.1 You must treat others with respect.
- 3.2 You must not:
- 3.2.1 do anything which may cause a breach any of the equality enactments;
  - 3.2.2 bully any person;
  - 3.2.3 intimidate or attempt to intimidate any person who is or is likely to be:
    - (i) a complainant;
    - (ii) a witness; or
    - (iii) involved in the administration of any investigation or proceedings;
 in relation to an allegation that a member (including yourself) has failed to comply with this code of conduct;
  - 3.2.4 do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the County Council.

**Confidentiality**

- 3.3 You must not disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:
- 3.3.1 you have the consent of a person authorised to give it;
  - 3.3.2 you are required by law to do so;
  - 3.3.3 the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
  - 3.3.4 the disclosure is:
    - (i) reasonable and in the public interest; and
    - (ii) made in good faith and in compliance with the reasonable requirements of the County Council.
- 3.4 You must not prevent another person from gaining access to information to which that person is entitled by law.

**Reputation of the Authority**

- 3.5 You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or the County Council into disrepute.

**Use of your position**

- 3.6 You must not use or attempt to use your position as a member of the Health and Wellbeing Board improperly to confer on or secure for yourself or any other person, an advantage or disadvantage.

**Decision making**

- 3.7 When reaching decisions on any matter you must have regard to any relevant advice provided to you by officers of the relevant public bodies acting pursuant to their statutory responsibilities (including a proper officer designated by the County Council).
- 3.8 You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed.

## Interests

### **A. Disclosable Pecuniary Interests**

#### Definition

- 4.1 You have a Disclosable Pecuniary Interest in any business of the Health and Wellbeing Board if it is of a description specified in regulations made by the Secretary of State and the interest is:

- (a) yours;
- (b) your spouse's or civil partner's;
- (c) somebody with whom you are living as husband and wife or as if you are civil partners;

and you are aware, in the case of paragraphs (b) and (c) that that other person has the interest.

- 4.2 Where you have a Disclosable Pecuniary Interest arising from your employment the action you should take will depend on the particular circumstances. It would be a nonsense for co-opted members of the Board appointed by their employers to be precluded from a meeting solely because the matter related to something which affects their organisation (strict interpretation of the law would require this unless a dispensation has been given). However, there may be exceptional circumstances where, because the matter affects the individual directly or, for some other reason, it would not be appropriate for a member to participate. To determine this you must ask yourself the question "would a reasonable member of the public with knowledge of the relevant facts regard the matter as so significant that it is likely to prejudice your judgement of the public interest."

*[Note: the regulations currently in force are attached but do not form part of the Code of Conduct, as they may be amended by the Government at any time.]*

#### Declaring at and participation in meetings

- 4.3 If you are present at any meeting of the Health and Wellbeing Board, and you have a Disclosable Pecuniary Interest in any matter to be considered or being considered, and the interest is not a 'sensitive interest' (see Section 4.14), at the meeting:
- 4.3.1 you must disclose the interest to the meeting whether or not it has been registered;
  - 4.3.2 unless a dispensation (see Section 4.15) has been given, you may not participate in any discussion of the matter at the meeting and must leave the room;
  - 4.3.3 unless a dispensation has been given, you may not participate in any vote taken on the matter at the meeting.

- 4.4 Following any disclosure of a Disclosable Pecuniary Interest at a meeting which is not on the County Council's register or the subject of a pending notification, you must notify the Monitoring Officer in writing of the interest within 28 days beginning with the date of disclosure.

*[Note: With regard to 4.3 above, Standing Order 30 of the County Council's Constitution also requires you to leave the room where the meeting is held while any discussion or voting takes place.]*

## **B. Personal Interests**

### **Definition**

- 4.5 You have a personal interest in any business of the Health and Wellbeing Board where either:
- 4.5.1 it relates to or is likely to affect:
- 4.5.1.1 any body:
- (i) exercising functions of a public nature;
  - (ii) directed to charitable purposes; or
  - (iii) one of whose principle purposes includes the influence of public opinion or policy (including any political party or trade union);
- of which you are a member or in a position of general control or management.
- 4.5.1.2 the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £50 within the last 12 months.

**or**

- 4.5.2 a decision in relation to that business might reasonably be regarded as affecting your wellbeing or financial position or the wellbeing or financial position of a relevant person to a greater extent than the majority of the population affected by the decision.
- 4.6 For the purposes of paragraph 4.5, a 'relevant person' is:
- 4.6.1 a member of your family or any person with whom you have a close association; or
- 4.6.2 any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors; or
- 4.6.3 any person or body in whom such persons have a beneficial interest and a class of securities exceeding the nominal value of £25,000 or one hundredth of the total issued share capital of that body; or

4.6.4 any body of a type described in sub-paragraph 4.5.1.1.

#### Declaring at and participation in meetings

- 4.7 Subject to paragraph 4.9 below, where you have a Personal Interest in any business of the Health and Wellbeing Board and where you are aware or ought reasonably to be aware of the existence of the Personal Interest and you attend a meeting of the Board where such business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of the meeting and prior to any discussion of the relevant item, or as soon as the interest becomes apparent to you. This provision does not apply where the interest arises from your position at your appointing body.
- 4.8 Where you have a Personal Interest you may remain in the meeting, speak and vote on the matter unless to do so would compromise your impartiality obligations or any other obligations set out in this Code.
- 4.9 Where you have a Personal Interest, but, by virtue of paragraph 4.14, sensitive information relating to it is not registered in the County Council's Register of Members Interests, you must indicate to the meeting that you have a Personal Interest, but need not disclose the sensitive information to the meeting.

#### **C. Personal Interests which might lead to bias**

##### Definition

- 4.10 In addition to the requirements in relation to Disclosable Pecuniary Interests referred to in Section A of Part 4 of this Code, you have a Personal Interest which might lead to bias in any business of the Health and Wellbeing Board where:
- 4.10.1 you have a 'Personal Interest' as defined in paragraph 4.5 and 4.6 above; **and**
- 4.10.2 that 'Personal Interest' is one which a member of the public with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.

#### Declaring at and participation in meetings

- 4.11 If you are present at any meeting of the Health and Wellbeing Board, and you have a Personal Interest which might lead to bias in any matter to be considered or being considered, and the interest is not a 'sensitive interest', subject to paragraph 4.13 below, at the meeting:

- 4.11.1 you must disclose the interest to the meeting (whether or not it is registered);
- 4.11.2 unless a dispensation has been given, you may not participate in any discussion of the matter at the meeting and must leave the room;
- 4.11.3 unless a dispensation has been given, you may not participate in any vote taken on the matter at the meeting.

**D. Registration of interests**

4.12 Subject to paragraph 4.14 (Sensitive Interests), you must within 28 days of:

- (a) the adoption of this Code; or
- (b) your election or appointment to office as a member of the Health and Wellbeing Board (where that is later);

notify the Monitoring Officer in writing of :

- (i) any Disclosable Pecuniary Interest, as defined in paragraph 4.1 above; and
- (ii) details of your Personal Interests where they fall within the category mentioned in paragraph 4.5.1 above.

4.13 Subject to paragraph 4.14 (Sensitive Interests), you must, within 28 days of becoming aware of any new Disclosable Pecuniary Interest or Personal Interest as referred to in paragraph 4.5.1, or any change to any such interest, notify the Monitoring Officer in writing of the details of that new interest or change.

**E. Sensitive Interests**

4.14 Where you consider that disclosure of the details of an interest could lead to you, or a person connected with you, being the subject of violence or intimidation, and the Monitoring Officer agrees, if the interest is entered on the Register, copies of the Register that are made available for inspection and any published version of the Register will exclude details of the interest but may state that you have an interest, the details of which are withheld.

**F. Dispensations**

4.15 To enable you to participate and vote on a matter in which you have a Disclosable Pecuniary Interest or a Personal Interest that might lead to bias, the Council may grant you a dispensation in accordance with rules and procedures established by the County Council.

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