

The following information is provided on each of the sections contained in the revised Model Code of Conduct published in 2021:

Section 1: Introduction to the Model Code of Conduct

- The proposed Model Code highlights the need for board members to take personal ownership for their behaviours, maintaining standards and complying with their board's code of conduct. This is clearly set out in the "My Responsibilities" section.

Section 2: Key Principles of the Code of Conduct

- The nine key principles remain the same as in the current Model Code. This section makes it clear that the key principles should only be used for guidance and interpretation. Breaches of the principles will not necessarily constitute a breach of a Boards Code of Conduct.

Section 3: General Conduct

- Paragraphs 3.3 to 3.5 refer to bullying and harassment and have been strengthened to ensure board members are aware that such behaviour will not be tolerated in the workplace and would be viewed as a breach of the Code.
- The onus is clearly on a board member to understand and be familiar with their board's policies and the Standards Commission's supporting guidance.
- Paragraph 3.7 has been inserted to clarify that only in certain circumstances should board members they be involved in operational matters which would normally sit with the Chief Executive and the Senior Executive Team.
- At paragraphs 3.10 and 3.11 emphasis has been made on the importance of collective decision making and that once a decision is made it is vital that a board member's support is given.
- Paragraphs 3.13 to 3.21 covering "Gifts and Hospitality" have been amended to make it clear that a gift or hospitality should not be accepted. It is appreciated certain circumstances might arise where a gift will need to be registered, but that will be the exception given the default position that no gifts should be accepted by a board member. The Standards Commission guidance will also provide supporting information to aid a board member in their decision making.

Confidentiality

- Paragraphs 3.22 to 3.25 emphasise the importance placed on the confidential information a board member may be privy to seeing and that due care must be taken at all times to ensure that information remains confidential.

Use of Public Body Resources

- Paragraphs 3.26 and 3.27 - Very straightforward information raising awareness of this aspect and that a board member should only use resources for carrying out duties on behalf of their public body.

Dealing with my Public Body and Preferential Treatment

- Paragraphs 3.28 to 3.30 - Strengthens the provisions on using position to seek preferential treatment.

Appointments to Outside Organisations

- Paragraphs 3.31 and 3.32 - Added to raise awareness of situations/circumstances that a board member may find themselves in if they were appointed to another organisation.

Section 4: Registration of Interests

- Paragraph 4.1 informs board members that there is 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. This is the timescale set down in the regulations.
- The SSI supporting the Councillors' Code and the Model Code was laid in parliament and provides additional information on registering and compliance see <https://www.legislation.gov.uk/ssi/2021/438/contents/made>

Category Four: Election Expenses

- A new section which highlights the need to register certain information in regard to election expenses.

Category Six: Interest in Shares and Securities

- The main test should be whether the shareholdings of the member are of significance or relevance in respect of the work of the public body. If that test is met then shareholdings of above 1 per cent or £25,000 would need to be reached before registration is required.

Category Seven: Gifts and Hospitality

- This section reinforces the information contained in paragraphs 3.13 to 3.21. It is appreciated certain circumstances might arise where a gift will need to be registered and 3.15 provides exceptions – a minor item; a gift being offered to the public body; reasonable hospitality associated with a members duties as a board member or hospitality which has been approved in advance by the public body. However, these will be the exception given the default position is that no gifts should be accepted by a board member. Member should never ask for or seek any gift or hospitality and if in doubt should speak to their Chair and Standards Officer for advice.

Category Eight: Non-Financial Interests

- Emphasises the importance of registering and describing relevant interests such as membership or holding office in other public bodies, companies, clubs, societies and organisations such as trades unions and voluntary organisations.

Category Nine: Close Family Members

- A new paragraph inserted highlighting the need to register the interests of any close family member who has transactions with a board members' public body or is likely to have transactions or do business with it during the course of their appointment.

Section 5: Declaration of Interests

- This section has been redrafted and expanded to make it clearer and easier to follow. Most of the interests to be declared will be personal interests but, on occasion may include the interests of other persons known to a board member.
- To help in understanding the requirement to register the section has been split into 3 stages –
 - Connection
 - Interest and
 - Participation

Section 6: Lobbying and Access To Members of Public Bodies

This section has been simplified to make it clearer to understand and that members must familiarise themselves with and comply with the Lobbying (Scotland) Act 2016

The Standards Commission guidance on their website will also provide further advice for board members see [Guidance Notes | The Standards Commission for Scotland \(standardscommissionscotland.org.uk\)](https://standardscommissionscotland.org.uk)