
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

