

BOUNDARY COMMISSION FOR SCOTLAND

COMMISSIONERS' CODE OF PRACTICE

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Introduction

1 This document has been agreed between the Scotland Office and the Boundary Commission for Scotland. It sets out a Code of Practice for Commission members and has been developed with close reference to relevant guidance and models for board members of public bodies. It is the personal responsibility of individual Commissioners to comply with this Code and regularly review their personal circumstances with this in mind, particularly when those circumstances change.

Public service values

2 The Commission and Commissioners will at all times:

- observe the highest standards of impartiality, integrity and objectivity in relation to the advice they provide to the Secretary of State for Scotland regarding proposals for the revision of parliamentary boundaries;
- be accountable to the Parliament and the public more generally for their activities and for the standard of advice provided; and
- in accordance with Government policy on openness, comply fully with the terms of the Freedom of Information (FOI) Act 2000 and the Commission's FOI Scheme.

Standards in public life

3 All Commissioners must:

- follow the *Seven Principles of Public Life* identified by the Committee on Standards in Public Life, and set out at Appendix A;
- ensure they understand their duties, rights and responsibilities under this Code, and that they are familiar with the function and role of the Boundary Commission for Scotland and any relevant statements of Government policy. New Commissioners should consider attending relevant training or induction courses;
- comply with this Code; and
- not misuse information gained in the course of their public service for personal gain or for political purpose, nor seek to use the opportunity of public service to promote their private interests or those of connected persons, firms, businesses or other organisations.

Role of the Chairman

4 The Speaker of the House of Commons is the ex-officio Chairman of the Boundary Commission but plays no part in conducting reviews or in making recommendations to the Secretary of State for Scotland. In practice, communication

between the Commission and the Scotland Office is through the Secretary or Deputy Chairman.

Role of the Deputy Chairman

5 The Deputy Chairman will ensure that all Commissioners, when taking up office, are briefed fully on the terms of their appointment and their duties and responsibilities. Commissioners will also be given a copy of this Code of Practice and notes describing the Commission's organisational structure and statutory basis of operation. The Deputy Chairman will discuss with each Commissioner whether he or she would find it helpful to attend an induction course on the duties of members of public bodies or some other suitable form of training related to their new responsibilities.

6 The Deputy Chairman has particular responsibility for providing effective strategic leadership on such matters as:

- formulating the Commission's strategy for discharging its statutory duties;
- ensuring that the Commission takes proper account of any guidance provided by the Scotland Office;
- representing the views of the Commission to the general public;
- providing an assessment of the performance of Commissioners, on request, when members are considered for re-appointment to the Commission or for appointment to the board of some other public body;
- representing the Commission at meetings as directed by the Commission;
- regularly liaising with the Commission's Secretary with regard to issues arising from the management of the Commission's Secretariat, or business issues which may be of a controversial or novel nature; and
- providing, or contributing to as required, an annual assessment of the performance of the Commission's Secretary and other staff employed in the Commission's Secretariat.

7 The Deputy Chairman will ensure that the Commission meets at appropriate intervals, and that minutes of meetings accurately record the decisions taken and, where appropriate the views of individual Commissioners.

Role of the Secretary

8 The Secretary has responsibility, under the Commission, for overall organisation, management and staffing of the Commission's Secretariat, subject to financial and other resource constraints which may be imposed by the Scotland Office.

9 The Secretary is designated as the Commission's Accounting Officer. The Accounting Officer is responsible to Parliament for the financial resources under his

or her control. The essence of the role is personal responsibility for:

- the propriety and regularity of the public finances for which he or she is answerable;
- keeping proper accounting records;
- prudent, economical administration;
- the avoidance of waste and extravagance; and
- overall management of review activities and the effective and efficient use of all resources under his or her charge.

The Accounting Officer has a responsibility to see that appropriate advice is presented to the Commission on all of these matters.

Corporate responsibilities of Commissioners

10 Commissioners have collective responsibility for the operation of the Commission including:

- establishing the overall strategic direction of the Commission within the policy and resources framework agreed with the Scotland Office;
- ensuring that high standards of corporate governance are observed at all times;
- overseeing the delivery of planned results by monitoring performance against objectives and targets;
- engaging fully in collective consideration of the issues, taking account of the full range of relevant factors, including any guidance provided by the Scotland Office;
- ensuring that the terms of the Freedom of Information Act 2000 and the Commission's FOI Scheme are adhered to, including prompt responses to public requests for information;
- ensuring that there is in place a procedure for dealing with complaints against the Commission, and that it is adhered to;
- ensuring that the Commission does not exceed its powers or functions; and
- agreeing an Annual Report.

11 As the Commission considers politically sensitive issues affecting constituency boundaries it is essential that it is seen to be impartial. Therefore, Commissioners should not take part in party politics or be members of any political party. If the Secretary of State for Scotland appoints a Commissioner who has been politically active he or she will be expected to abstain from party political activity

(other than voting in public elections) while serving as a Commissioner. Commissioners may however take part in local non-party activity not directly affecting the work of the Commission (e.g. issues affecting their local services).

12 Individual Commissioners can normally be removed from office by the Secretary of State if they fail to perform the duties required of them in line with standards expected in public office.

Personal liability of Commissioners

13 Legal proceedings by a third party against individual members of advisory NDPBs are very exceptional. A Commissioner may be personally liable if he or she makes a fraudulent or negligent statement which results in a loss to a third party. Similarly a Commissioner may commit a breach of confidence under common law or a criminal offence under insider dealing legislation, if they misuse information gained through their position.

14 The Government has, however, indicated that individual Commissioners who have acted honestly, reasonably, in good faith and without negligence will not have to meet out of their own personal resources any personal civil liability which is incurred in execution or purported execution of their Commission functions. Commissioners who need further advice should consult the Commission's Secretary.

Handling conflicts of interest

15 The Deputy Chairman and other Commissioners must declare any interests which may conflict with their responsibilities as members of the Commission. This Code explains how such conflicts should be handled.

16 The purpose of these provisions is to avoid any danger of Commissioners being influenced, or appearing to be influenced, by their private interests in the exercise of their public duties. All Commissioners should, therefore, declare any personal or business interests which may be perceived by a reasonable member of the public to influence their judgement in dealing with a matter before the Commission. This should include, as a minimum, personal direct and indirect (see 20 below) pecuniary interests, and should normally also include such interests of close family members (see 21 below) and of people living in the same household.

Register of interests

17 The Commission shall maintain a register of Commissioners' interests. The register will be updated at least annually. New Commissioners will be:

- informed of the purpose of the register and the interests that are to be declared;
- asked to make any necessary initial declaration of interests using a standard form; and
- informed of the need to notify any additions or changes to their declaration of interests within one month.

18 Commissioners will be asked formally every year to confirm and, if necessary, amend information on the register.

Content of the register

19 When completing their entry, Commissioners will have regard to the following:

- interests may be of both a financial and non-financial nature and may be direct or indirect;
- all significant relevant interests should be declared;
- a useful test of the need for an interest to be declared is whether members of the public knowing the facts of the situation might reasonably think it should be;
- if Commissioners are in any doubt they should be encouraged to declare interests rather than not; and
- where necessary advice should be sought from the Secretary.

20 A copy of the Commission's standard form which all Commissioners are required to complete is set out at Appendix B.

Publishing the register

21 The register will be open to inspection by the public on request and a copy of the information in the register will be supplied on request, in accordance with the Commission's Freedom of Information Publication Scheme. Both these facts will be published in the Commission's Annual Report, website and elsewhere as appropriate. The register, by being open to the public, will assist in demonstrating that the Commission is acting openly and with the impartiality and integrity required by this Code.

22 The Commission's website will contain a copy of the Register.

Declaration of interest

23 Commissioners should not participate in the discussion or determination of any matter in which they have a direct pecuniary interest or is covered in specific guidance from the Scotland Office requiring them not to participate, and should normally withdraw from the meeting for that agenda item.

24 Indirect pecuniary interests arise from connections with bodies, which have a direct pecuniary interest, or from being a business partner of, or being employed by, a person with such an interest. Non-pecuniary interests include those arising from membership of clubs and other organisations.

25 Where an interest is not of a direct pecuniary kind, Commissioners should consider whether participation in the discussion or determination of a matter would suggest a real danger of bias. This should be interpreted in the sense that

Commissioners might unfairly regard with favour, or disfavour, the case of a party to a matter under consideration. In considering whether a real danger of bias exists in relation to a particular decision, Commissioners should assess whether:

- they; or
- a close family member (Close family members include personal partners, parents, children (adult and minor), brothers, sisters and the personal partners of any of these.); or
- a person living in the same household; or
- a company, business or other organisation with which they are connected;

are likely to be affected more than the generality of those affected by the decision in question. In considering whether to make a declaration, Commissioners should also consider whether members of the public knowing the facts would think that the Commissioner concerned might be influenced by a particular interest.

26 The Commission should not overlook the possibility that specific statutory provisions may impose restrictions that are stricter than those described in paragraph 25 for interests that are not of a direct pecuniary kind.

27 A declaration of any interest should also be made at any Commission meeting if it relates specifically to a particular issue under consideration, for recording in the minutes.

28 The agreement of the Deputy Chairman should be sought by a Commissioner before the acceptance of an outside appointment during their term of office which might compromise his or her independence, in order to reduce the risk of any perception of conflict of interest.

Gifts and hospitality

29 Commissioners are responsible for their decisions connected with the offer or acceptance of gifts or hospitality and for avoiding the risk of damage to public confidence in the Commission. Commissioners must not accept any gift or hospitality which could give rise to a reasonable suspicion of influence to show favour, or disadvantage, to any individual or organisation. In cases of doubt, Commissioners should consult the Secretary.

Appendix A – Seven principles of public life

The Committee of Standards in Public Life have set out seven principles of public life upon which this Code of Practice is based.

Selflessness

Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other benefits for themselves, their family or their friends.

Integrity

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

Objectivity

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

Accountability

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

Openness

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

Honesty

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership

Holders of public office should promote and support these principles by leadership and example.

Appendix B - Register of interests form

Name
1 Remuneration - list all current sources of earned income.
2 Related Undertakings - list any directorships of subsidiaries of bodies listed in 1 above.
3 Contracts - list any current contracts you or a firm listed in 1 or 2 above have with the Commission
4 House, Land and Buildings - give the locality of any Scottish property you own or occupy
5 Shares and Securities - list any shares held in a company relevant to the work of the Commission
6 Non-Financial Interests - list any involvement in any other body relevant to the work of the Commission

Signed
Name:
Date: