



Gofal Cymdeithasol **Cymru**
Social Care **Wales**

CYFARFOD BWRDD / BOARD MEETING: 25.05.17

EITEM/ITEM: 5

TEITL/TITLE: Code of Conduct for the Social Care Wales Board
SCW/17/07

AWDUR/AUTHOR: Llinos Bradbury

**CYFRANIADAU GAN/
CONTRIBUTIONS FROM:** Jeni Meyrick

ATODIADAU/APPENDICIES:

Appendix 1 Code of Conduct for the Social Care Wales Board

TRAFODWYD YN FLAENOROL YN/ITEM PREVIOUSLY DISCUSSED AT:

Executive Management Team meeting.

PENDERFYNIAD / DECISION:

Board members are invited to **consider** and **approve** the Code of Conduct for the Social Care Wales Board.

Code of Conduct for the Social Care Wales Board

1. Introduction

- 1.1 This report provides the Board with the opportunity to consider and approve the Code of Conduct for Social Care Wales Board members.
- 1.2 The matters only the Board can approve which was approved at the April Board meeting includes the Board agreeing how Board members behave through the Code of Conduct for Members (Code of Conduct).
- 1.3 The Code of Conduct makes reference to Social Care Wales' values, Academi Wales Public Service values, the principles of the Well-being of Future Generations (Wales) Act 2015 as well as the Nolan Principles and references behaviours expected of all Board Members.
- 1.4 Appendix A of the Code of Conduct explains the process for managing any complaints received against a Board member, to ensure that everyone involved in the process is clear on how a complaint will be dealt with and by whom.

2. Recommendation

- 2.1 Board members are invited to **consider** and **approve** the Code of Conduct for the Social Care Wales Board.



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Code of Conduct for the Social Care Wales Board

1. Representing Social Care Wales

As a member of the Social Care Wales board you are representing the organisation. This means not only when you are attending the Board or Committee meetings, but also when you attend events on our behalf.

Some people may consider that what you say and do as part of non-Social Care Wales work, you are still speaking on our behalf, so you need to be aware of the behaviour expected from you in order to represent us well.

This Code of Conduct (code) is a set of guidelines for Social Care Wales Board Members appointed by the Minister for Social Services and Public Health. This code sets out what you should and shouldn't do, as well as some laws and policies you must comply with. If the Chair or Social Care Wales Officers become concerned about your behaviour or action you have taken, this code will be used to decide whether you have gone against any part of it and if your behaviour and actions have put our reputation at risk.

2. Values

A person's values drive their behaviours. **You should** display behaviour that reflects our values:

Social Care Wales values

1. **Respect** everyone: Seeing people as individuals and treating everyone with dignity and respect
2. **Professional** Approach: Acting responsibly and appropriately, holding each other to account
3. Always **Learning**: Improving ourselves and supporting others to be the best we can be
4. Involve **People**: Encourage and enable everyone to work together

'One Welsh Public Service Values' and uphold well-being delivery principles:

Academi Wales Public Service values	Principles of the Future Generation and Well-being Act
<p>Working for the Long Term: To safeguard the ability of future generations to meet their own needs, requires real long-term integration and collaboration addressing the well-being of people and communities, economic prosperity and the health of the natural environment.</p>	<p>Long-term thinking: balancing short-term needs with safeguards to meet long-term needs.</p>
<p>Always Growing and Improving: We will be at our best for citizens and each other by choosing positive attitudes and behaviours, embracing learning and development and sharing ideas on ways to improve and deliver public services.</p>	<p>Prevention: actions to prevent problems getting worse and Integration considering how our objectives may impact on those of others.</p>
<p>Working Together: Where everyone involved in the delivery of public services, values others contributions, shares common principles and collaborates for the benefit of the people of Wales, within and across organisational boundaries and sectors.</p>	<p>Collaboration: working with other bodies that can help meet our aims.</p>
<p>Treating Everyone With Respect: Recognising, valuing and respecting the diversity of the people of Wales is central to seeing people as individuals and doing the right thing, at the right time and in the right place for citizens and each other.</p>	<p>Involvement: involving people and communities with an interest in helping meet our aims.</p>
<p>Putting Citizens First: Our organisations need to be focussed on the needs of the people of Wales. This requires us to genuinely involve people in decision making which impacts them and their communities.</p>	

As someone who is publicly appointed by a Welsh Minister, **you must** follow the seven principles of public life¹, also known as the ‘Nolan Principles’. These are:

1. **Selflessness – you must** act only in the public interest. This means **you must not** use your status as a Board Member to your personal advantage or to disadvantage others.
2. **Honesty – you must** be open with us about any other work or personal interests that might be important to your duties as a Board Member. **You must** also take action to make sure one doesn’t conflict with the other, for example if you own a care home and the Board makes a decision on how care homes are run, **you must** declare the decision will affect your other role.
3. **Integrity and Propriety – you must not** put yourself in a position where your integrity is called into question by taking a bribe or be part of an agreement with a person or organisation that can seem to be a bribe. **You must** report any occasion where someone tries to influence you into making a decision that would benefit them to the Chair of Social Care Wales as soon as possible.
4. **Objectivity – you must** always make your choices and decisions based on evidence.
5. **Openness - you must** be as open as possible about all of your actions. **You must not** share information unless you have been asked to by law.
6. **Accountability** – as a Social Care Wales Board Member, you answer to the public for your actions (and the actions of the Board) and the way you carry out your responsibilities as a member. **You must** be prepared to put yourself under a level of scrutiny that is appropriate (to your responsibilities).
7. **Leadership - you must** promote and support these principles through leading by example. This will support the public’s confidence your role and in our organisation.

2. Confidentiality

Most of the information you receive as a Board Member will also be available to the public on our website. However committee meetings and some Board Meetings will be held in private and the reports for these meetings will be confidential (Official: Sensitive) and the papers will highlight this. **You must not** share any papers marked ‘confidential’ (Official: Sensitive).

You should check with the Chair of Social Care Wales or the Governance Senior Officer before sharing reports or meeting papers that are marked ‘draft’ in case they are not ready for the public to see. If you are not sure if something is still draft, please ask.

¹ <https://www.gov.uk/government/publications/the-7-principles-of-public-life>

Maintaining confidentiality is important before, during and after meetings. **You should not** share any information you have seen or heard in a private meeting or been given as part of your role, unless you are asked to do so by law.

You must take care to keep confidential reports secure, whether these are hard copies or electronic. **You should not** discuss confidential matters with your colleagues where you may be overheard by people who do not work for Social Care Wales.

You must immediately notify the Chair or Chief Executive if you know about a breach of confidentiality.

3. Treatment of Official Information

You must not use any knowledge gained from your role as a Social Care Wales Board Member to your personal advantage or personally profit in any way.

If you have any doubt about how to balance your work with us and other roles you may have, **you should** discuss it with the Chair or Chief Executive.

4. Financial and Other interests

You must tell us if you have a financial interest in an organisation that could be seen as a conflict with your Social Care Wales role. You can do this by completing our 'Declaration of Interest' form, but you should have already been open about any existing business or other financial investments you have when you completed Welsh Government's 'Conflict of Interest and Other Material Information' form.

If there are any changes to what you have told either us or the Welsh Government, **you must** let us know as soon as possible. Do not wait to be asked. If you are not open about other work you are involved in, the public could believe you are influencing Board decisions for your own financial gain.

You must tell us if you receive any gifts or offers of hospitality from anyone as part of your role. **You must** complete our 'Gifts and hospitality form' (please request from the Governance Senior Officer). In some instances, you will be entitled to keep / use the gift, other times we may have to return it / decline an offer or invite, so it is not seen as a bribe.

You should complete any claims for expenses on time and read the guidance of what are the current rates and what can be reclaimed as part of your role. Remember Board Members' expense claims are published on our website.

5. Business appointments / acceptance of appointments during term of office and following resignation or retirement

You should tell us and the Welsh Government when you take up your role as a Social Care Wales board member about any other existing appointments, for example if you sit on another Board.

While you are a Social Care Wales Board Member, **you should** talk to us before you agree to take up any new appointments.

Once your term at Social Care Wales has ended, **you should** still think carefully before taking up any appointment that may create, or be seen as creating, conflict with your last role with us. **You should** talk to the Welsh Government before taking up any new roles if you are not sure whether there may be a conflict.

6. Political activities

Social Care Wales is a politically neutral organisation. As our Board Member, **you are banned** from membership of the House of Commons², the European Parliament and the Welsh Government³.

As a Board Member, whether working full time or part time, **you should not** work as an officer with any managerial or decision-making duties for any political party (or organisations linked to a political party) which puts forward candidates at local, general, European and National Assembly elections.

If you are planning to campaign on behalf of a political party, **you must** discuss it with the Chair and get their agreement first. **You should not** take part in controversial political activity.

While you are our Board Member, **you should** remember the responsibility you hold and the public attention you may receive as part of your work with us. With that in mind, **you should not** make political speeches, campaign for a political party or carry out any lobbying activity. If you wish to do this, **you should** discuss it with the Chair of Social Care Wales first. **The Chair must** then discuss it with Welsh Government before coming back to you with a decision.

As a Board Member, you have been asked to tell us if you have held office with any political party in the last five years, which means held a role that is publicly recorded.

These limits do not apply if you are a local councillor or a Peer in the House of Lords⁴. You are free to engage in any political activities that agree with the Electoral Commission's recommendations.

² Section 1 (1) (f) of the House of Commons Disqualification Act 1975

³ National Assembly for Wales (Disqualification) Order 1999

⁴ Members who are also members of the House of Lords should refer to the conduct expectations set out in the Statement made by Lord Addison in the House on 21 March 1951.

If you are a member of a trade union, co-operative society, trade association, professional body etc., you are free as a Board Member to keep those memberships or links as long as they don't conflict with the interest of Social Care Wales.

You are allowed to make speeches that are not political without the agreement of Welsh Government, but remember that as you hold a public office, there will be an expectation from the public that you are professional and show self-control. If you are making a speech on behalf of Social Care Wales, **you must** clear what you are going to say with the Chair and Chief Executive.

You will receive guidance whenever there are local and general elections which **you must** read and follow. If you are unclear about how to apply the rules about political activity, **you should** discuss it with the Chair, Chief Executive or get guidance from the Welsh Government.

7. Breach of the Code

If anyone claims you have not complied with any of the rules above, it will be reported to the Chair and we will ask for details in writing before deciding whether there is enough evidence of a potential breach of this code to need an investigation.

If the Chair decides an investigation is required, an appropriate member of our staff, possibly one of the directors, will look in to the matter and produce a report with recommendations for the Chair.

If the Chair believes this code has been breached, then the matter will be sent to Welsh Government for it to take action, which may lead to you being removed as a member of our board.

Further details regarding how we will manage a complaint made against a Board Member can be seen at Appendix A.



Managing Complaints Concerning Social Care Wales Board Members

1. Introduction

- 1.1 Social Care Wales Board members are publicly appointed by the Welsh Ministers. Our Board members are representatives of Social Care Wales and our values and as such, have to abide by a Code of Conduct (code). The code is a set of guidelines for Social Care Wales Board Members setting out the behaviour expected of them as well as laws and policies with which they must comply. Board Members are also expected to follow the principles of public life⁵, also known as the 'Nolan Principles'.
- 1.2 If a concern is raised about a Board member's behaviour or action they have taken, this code will be used to decide whether the Board Member has gone against any part of it and, depending on the nature of the concern raised, it may escalate to the National Assembly for further investigation and action.
- 1.3 This document is for members of the public, Social Care Wales's stakeholders, Social Care Wales Board Members and other staff and explains how any complaints received about our Board Members will be managed.

2. Making a complaint

Who can make a complaint about a Board member?

- 2.1 Anyone can make a complaint as long as:
- they have direct knowledge of the behaviour they are complaining about
 - the complaint is in writing and not anonymous
 - they can tell us specifically what they believe the member has done which has broken the code (they may be asked to give some direct evidence about this)
 - they are prepared for their name and what they say in the complaint to be passed on to the member and possibly be made public
 - the complaint is submitted within 6 months of the matter taking place.

What can the complaint be about?

- 2.2 The complaint must be related to a Board Member's conduct. Any concerns or complaints about Social Care Wales's service or practices as an organisation

⁵ 7 Principles of Public Life, Committee on Standards in Public Life, May 1995

should be sent to the Complaints Officer of Social Care Wales:
complaints@socialcare.wales

- 2.3 Part of a Social Care Wales Board Member's role is to discuss and debate issues that come before them in meetings. While the discussions should always be respectful of everyone's views, it is possible that members may disagree. The code is not intended to inhibit healthy debate.
- 2.4 The following are examples of ways in which a Board Member may break the code:
- behaving in a way that negatively affects Social Care Wales's reputation
 - using their position as a Board Member for their personal advantage or to disadvantage someone else
 - using Social Care Wales's resources inappropriately
 - failing to declare an interest
 - using bullying and / or inappropriate behaviour
 - failing to treat everybody equally
 - revealing confidential information without good reason

How to make a complaint

- 2.5 Complaints regarding Board Members must be made in writing and sent to the Chair of the Board: Chair, Social Care Wales, Southgate House, Wood Street, Cardiff, CF10 1EW
- 2.6 The complaint should outline as much detail as possible, including dates, any supporting written evidence and the names of anyone who may have witnessed the alleged breach of the code.

3. What happens once a complaint is received?

- 3.1 The Chair's office will write to the person making the complaint (complainant) to acknowledge it has been received. It will then be assessed by the Chair and Social Care Wales's Complaints Officer to decide whether:
- it will be investigated – sometimes we may contact the complainant for further information before deciding.
 - If it is decided that we will not investigate, we will give our reasons when responding to the complainant.
 - If the complaint is to be investigated, we will let the complainant know when we have started and what the outcome is.
- 3.2 In deciding whether to take the complaint forward, the Chair and Complaints Officer will consider whether there is evidence to suggest a breach of the code took place and if so, the severity of the breach and how the investigation will be managed. It is possible it will be undertaken by one of the Directors of Social Care Wales.

- 3.3 It is possible the Complaints Officer and Chair will conclude there is no breach of the code, however, the complaint is sufficient enough for the Chair to address it with the Board Member it concerned. If the complainant is not satisfied with this outcome, they have a right to appeal the decision and details will be provided on how to do this.

4. Investigating the complaint and action to be taken

- 4.1 If it is felt the matter needs to be investigated, the Complaints Officer or relevant Director will gather evidence and provide a report with recommendations for the Chair. These recommendations can include (but are not limited to):
- Closing the investigation with no further action
 - Providing the Board Member with relevant training
 - Inviting the complainant and Board Member to enter a mediation process
 - Issuing a written warning to the Board Member
 - Escalating the complaint to the Minister and Welsh Government sponsor division
- 4.2 If it is felt the investigation outcome is serious enough that it could call in to question the Board Member's suitability to stay in their role, then the complaint will be escalated to Social Care Wales's sponsor division in Welsh Government and the matter will be highlighted to the Minister that appointed them. They may then wish to undertake their own investigation and may recommend the Board Member is suspended while this happens.
- 4.3 Throughout the whole investigation process, both the complainant and the Board Member will be kept informed of its progress.
- 4.4 Following this process, if the complainant feels the issue hasn't been sufficiently resolved, then their concern will be escalated to the Welsh Government sponsor division in the first instance and the National Assembly for Wales.