

# The Principles of Public Life in Scotland and Members' Code of Conduct

People who wish to be appointed to roles in public life have to pass a Fit and Proper Person test which is described in more detail below.

Part of that test involves agreeing to be bound by the Members' Code of Conduct for the organisation and to applying the Principles of Public Life in Scotland if appointed.

Each NHS Board will have a Code of Conduct.

The **Principles of Public Life in Scotland** are as follows:

## **Duty**

You have a duty to uphold the law and act in accordance with the law and the public trust placed in you. You have a duty to act in the interests of the public body of which you are a member and in accordance with the core tasks of that body.

## **Selflessness**

You have a duty to take decisions solely in terms of public interest. You must not act in order to gain financial or other material benefit for yourself, family or friends.

## **Integrity**

You must not place yourself under any financial, or other, obligation to any individual or organisation that might reasonably be thought to influence you in the performance of your duties.

## **Objectivity**

You must make decisions solely on merit when carrying out public business including making appointments, awarding contracts or recommending individuals for rewards and benefits.

## **Accountability and Stewardship**

You are accountable for your decisions and actions to the public. You have a duty to consider issues on their merits, taking account of the views of others and must ensure that the public body uses its resources prudently and in accordance with the law.

## **Openness**

You have a duty to be as open as possible about your decisions and actions, giving reasons for your decisions and restricting information only when the wider public interest clearly demands.

## **Honesty**

You have a duty to act honestly. You must declare any private interests relating to your public duties and take steps to resolve any conflicts arising in a way that protects the public interest.

## **Leadership**

You have a duty to promote and support these principles by leadership and example, to maintain and strengthen the public's trust and confidence in the integrity of the public body and its members in conducting public business.

## **Respect**

You must respect fellow members of your public body and employees of the body and the role they play, treating them with courtesy at all times. Similarly you must respect members of the public when performing duties as a member of your public body.

## The Fit and Proper Person Test

Scottish Ministers and the public must feel confident that people to be appointed to the Boards of public bodies are fit and proper persons to take up these positions.

In the context of public appointments a Fit and Proper Person is an individual who is suitable for appointment because they meet the requirements of the role, and their past or present activities (and/or behaviours) mean that they are suitable to be appointed.

The fit and proper person test is an on-going process with checks built into different stages of the appointment round. These are designed to collect the necessary information and evidence. For this appointment, the checks in place for the fit and proper person tests are:

### Verification of relevant information provided by the applicant:

- We will test the evidence you provide in your application in relation to the skills, knowledge and experience required for the position, and further probe your evidence at interview if you're invited.
- If applicants provide information in support of meeting any of the criteria which details roles or qualifications held which is material to the selection panel's decision making, this information may be checked as part of the final assessment.
- For those candidates invited to the second assessment stage, the Selection Panel may consider information available in the public domain. Any findings in this regard may be discussed with you during the interview as part of the Fit and Proper Person tests.

### Ensuring that the applicant's conduct to date has been compatible with the public appointment in question:

- We will confirm that you understand the work of the body, the nature of the appointment and that you're not aware of having committed any offence, or performed any act, that's incompatible with the position that you're applying for. We will do this using the declaration statement on the application form.
- If appointed you will be required to produce a **Basic Disclosure** certificate less than 12 months old, and appointment will be on a conditional basis pending receipt of a satisfactory certificate.

### Determining that the applicant's appointment is not barred by reference to the constitution of the body concerned by way of, for example, criminal offences or other relevant matters:

- Information on disqualifications is provided on our website [www.nhs.scot](http://www.nhs.scot) under FAQs and you are asked to review this prior to submitting your application. We will use your declaration statement on the application form to confirm that you are not disqualified from taking up the role.

By submitting your completed application you're declaring that the information provided is, to the best of your knowledge and belief, true and complete.

## **Confirmation that the applicant has no inappropriate or unmanageable conflicts of interest incompatible with their appointment:**

- You're asked in your application to complete questions about potential conflicts of interest.
- If you're invited for interview, further assessment will be through questioning that you understand what is meant by a conflict of interest. We'll ask you to confirm that, to the best of your knowledge, you don't have any conflicts of interest that are incompatible/ unmanageable. We'll ask for additional information if you've declared a potential conflict of interest in your initial application.

## **Declaration of political activity:**

- We will ask you at the application stage to declare if you have had any political activity in the past five years. Political activity isn't a bar to appointment. The panel considers political activity to ensure that applicants don't have unmanageable conflicts of interest.
- Political activity isn't the same as political affiliation such as which political party you vote for. Political activity means that you have done any of the following:
  - Obtained office as a local Councillor, MSP, MP, MEP etc.
  - Stood as a candidate for one of the above offices
  - Spoken on behalf of a party or candidate
  - Acted as a political agent
  - Held office such as chair, treasurer or secretary of a local branch of a party
  - Canvassed on behalf of a party or helped at elections
  - Undertook any other political activity which you consider relevant
  - Made a recordable donation to a political party which means:
    - Where no previous relevant donation has been recorded, one of more than £7,500, or an aggregate amount of more than £7,500;
    - Where there has been a previous recording of a donation, donations that individually or in aggregate are more than £1,500;
    - Where donations of more than £1,500 have been made to a subsidiary accounting unit (such as a constituency association, local branch, or youth organisation).

The information will only be considered by the panel at interview stage. If the panel thinks that your political activity is such that you may not be suitable for appointment, you'll be given an opportunity to respond before any final decision is made.

## **Ensuring that the applicant agrees to apply the Principles of Public Life in Scotland and be bound by the members' code of conduct:**

- As highlighted above, you are expected to be bound by the Members' Code of Conduct and to applying the Principles of Public Life in Scotland if appointed. If you're invited to interview, you'll be asked to confirm your understanding of, and agreement to, applying these principles.

## **Establishing that the individual is able to meet the time commitment required:**

- If you're invited to interview you'll be asked whether you can meet this commitment.

