

By: Roger Gough, Cabinet Member for Business Strategy,
Performance & Health Reform

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To: Shadow Health and Wellbeing Board –
28th September 2011

Subject: Code of Conduct

Classification: Unrestricted

Summary: Asks the shadow Health and Wellbeing Board to note the Cabinet Office '*Code of Conduct for Board Members of Public Bodies*', and agree the code should be applicable to all Members of the shadow Health and Wellbeing Board.

1. The Health and Social Care Bill will create Health and Wellbeing Boards as formal committees of all upper tier local authorities with a core statutory membership, both elected and non-elected, drawn from a range of public bodies and groups across the health and local government spectrum. Health and Wellbeing Boards are therefore a relatively unique form of joint governance arrangement.
2. The Department of Health has suggested that Health and Wellbeing Boards should operate *as if* they are statutory joint advisory committee under the 1972 Local Government Act, but will take their legal mandate from the Health and Social Care Act once enacted, whilst not taking full statutory responsibilities until April 2013. Until the Bill is enacted and further statutory guidance regarding the technical operation of Health and Wellbeing Boards is provided, early implementers must come to local arrangements for shadow Boards.
3. Even in shadow form, it is probable that the HWB will be in receipt of or consider sensitive matters, and our advice is that some form of code of conduct should apply to all Members of the Board.
4. Ordinarily, all elected Members of a committee of the County Council are covered by the Member code of conduct, which sets out the standards of behavior of an elected Member of the County Council. However with the core membership of the HWB being drawn from a wide range of bodies, the Member code of conduct cannot and does not apply to all Members of the shadow Health and Wellbeing Board.

5. In anticipating this issue, the Standing Orders developed for the shadow Board note that “*Members of the HWB are expected to subscribe to and comply with any code of conduct that applies to them. No code of conduct will have precedence over another*”. However this still leaves the possibility that Members of the shadow Board are not covered by any code of conduct. `
6. To resolve this gap, it is suggested that the Board as a whole considers adopting the ‘Code of Conduct for Board Members of Public Bodies’ prepared by the Cabinet Office in June 2011 (attached as Appendix A) as a code of conduct that will apply to all members of the shadow Board. This generic code of conduct is light touch, does not contradict or supersede any other code of conducts that might still apply to individual members of the shadow HWB.

Recommendation:

The shadow Health and Wellbeing Board adopt the Cabinet Office ‘*Code of Conduct for Board Members of Public Bodies*’ as being applicable to all Members of the shadow Health and Wellbeing Board.

Appendices:

Appendix A:

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