

Code of Practice for Council Members

Public Service Values

The members of the Family Justice Council (the Council), an advisory non-departmental public body, must at all times:

- observe the highest standards of impartiality, integrity and objectivity in relation to the advice they provide and the management of this public body;
- be accountable to Parliament and the public more generally for its activities and for the standard of advice it provides; and
- in accordance with Government policy on openness, fully discharge its responsibility under the Freedom of Information Act.

The Secretary of State for Justice is answerable to Parliament for the policies and performance of the Council, including the policy framework within which it operates.

Standards in Public Life

All Council members must:

- follow the Seven Principles of Public Life set out by the Council on Standards in Public Life;
- comply with this code, and ensure they understand their duties, rights and responsibilities. They must be familiar with the function and role of the Council and any relevant statements of Government policy. New Council members should consider attending relevant training or induction courses;
- 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; and
- not hold any paid or high profile unpaid posts in a political party, and not engage in specific political activities on matters directly affecting the work of this body. When engaging in other political activities, Council members should be conscious of their public role and exercise proper discretion.

The Role of the Council Members

Members of the Council have collective responsibility for the operation of this body. They must:

- engage fully in collective consideration of the issues, taking into account the full range of relevant factors, including any guidance issued by the Ministry of Justice or by the Secretary of State for Justice;
- ensure that its responsibilities under the Freedom of Information Act (including prompt responses to public requests for information) are discharged; agree an Annual Report; and, where practicable and appropriate, hold at least one meeting a year in public;
- respond appropriately to complaints, if necessary with reference to the MoJ; and
- ensure that the Council does not exceed its powers or functions.

Communications between the Council and the Secretary of State will generally be through the Chair. Nevertheless, any Council member has the right of access to Ministers on any matter which he, or she, believes raises important issues relating to his, or her, duties as a Council member. In such cases the agreement of the rest of the Council should normally be sought.

Individual Council members can be removed from office by the Secretary of State for Justice or the Lord Chief Justice (as appropriate) if they fail to perform the duties required of them in line with the standards expected in public office.

The Role of the Chair

The Chair has particular responsibility for providing effective leadership on the issues above. In addition, the Chair is responsible for:

- ensuring that the Council meets at the appropriate intervals, and that the minutes of the meeting accurately record the decisions taken and, where appropriate, the views of individual Council members;
- representing the views of the Council to the general public, where appropriate; and
- ensuring that new Council members are briefed on appointment (and their training needs considered), and providing an assessment of their performance, on request, when members are considered for re-appointment to the Council or appointment to the board or committee of some other body.

Handling Conflicts of Interest

The purpose of these provisions is to avoid any danger of Council members being influenced, or appearing to be influenced, by their private interests in the exercise of their public duties. All Council members should, therefore, declare any personal or business interest which may be perceived (by a reasonable member of the public) to influence their judgement. This should include, as a minimum, personal direct and indirect pecuniary interests, and should normally also include such interests of close family members and of people living in the same household. The register of interests should be kept up-to-date and should be open to the public. A declaration on any interest should also be made at any Council meeting if it relates specifically to a particular issue under consideration, for noting in the minutes (whether or not the Council member also withdraws from the meeting).

Council members should not participate in the discussion or determination of matters in which they have an interest, and should normally withdraw from the meeting (even if held in public) if:

- their interest is direct and pecuniary; or
- their interest is covered in specific guidance issued by the Council itself or by the Secretary of State for Justice which requires them not to participate and/or withdraw from the meeting.

Personal Liability of Council Members

Legal proceedings by a third party against individual Council or board members of public advisory bodies are very exceptional. A Council member may be personally liable if he or she makes a fraudulent or negligent statement which results in a loss to a third party; or may commit a breach of confidence under common law or a criminal offence under insider dealing legislation, if he or she misuses information gained through their position. However, the Government has indicated that individual Council members 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 Council functions. Council members who need further advice should consult the Ministry of Justice.

The Seven Principles of Public Life

1. Selflessness

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

2. Integrity

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

3. 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.

4. 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.

5. 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.

6. 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 in a way that protects the public interests.

7. Leadership

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