

Standing Commission on Carers (SCOC) Code of Practice

Introduction

This document sets out the Code of Practice for the Chair and members of the Standing Commission on Carers (SCOC).

SCOC members, special advisers and individuals who are co-opted to SCOC working groups for short periods, are expected to comply with the relevant sections of the Code of Practice.

The Code of Practice will be reviewed at intervals.

Remit of the SCOC

The SCOC has been set up to provide independent expert advice to Ministers and Government Departments. In its first phase, its role was to advise Ministers on the revision of the Prime Minister's 1999 Strategy on Carers, *Caring for the Carers*. With the publication in June 2008 of the national Carers' Strategy, *Carers at the heart of 21st century families and communities*, the SCOC's role has been to provide independent advice to Ministers and Government Departments on how implementation of the Carers Strategy is progressing; consider the longer-term challenges and opportunities associated with caring; and help shape further relevant policy development.

In drawing up its advice the SCOC needs to pay due regard to existing and likely future fiscal and spending limits.

The SCOC will agree the terms of reference for the second phase of its work with Ministers in autumn 2009.

Period of appointment for Chair and members

In its first phase the Chair and members of the SCOC were personally invited by the Minister of Care Services to join the SCOC. Appointments to the SCOC have now been made in accordance with guidance issued by the Office for the Commissioner for Public Appointments and these appointments commenced in 2009. The Chair has been appointed for three years and members have been appointed for periods of either three or five years.

Time commitment

We expect to hold up to four formal SCOC meetings a year, including one public meeting. We also envisage organising some thematic days and/or working groups to focus on particular issues.

In addition it would be helpful if SCOC members can act as 'ambassadors' for the Commission and take part in conferences and other events with carers and key stakeholders.

The minimum commitment expected for all these activities is 8 days per annum.

Responsibility and role of the Chair of SCOC

The Chair of the SCOC is appointed on a personal basis to fulfil the role of the SCOC not as a representative of a particular profession, employer or interest group, and has a duty to act in the public interest.

The Chair has responsibility for:

- effective leadership;
- the operation and output of the SCOC eg an annual report (in collaboration with the Support Team);
- declaring any personal or business interest which may or may be perceived to influence his/her judgement;
- ensuring that every member of the SCOC has the opportunity to be heard and that no view is overlooked or ignored;
- ensuring the SCOC meets at appropriate intervals;
- ensuring that any significant diversity of opinion among the SCOC members is fully explored and discussed;
- representing the SCOC to the public and the media;
- reporting the SCOC's advice to Government, and
- ensuring the SCOC acts in accordance with this code.

Responsibility and role of members of SCOC

Members of the SCOC are appointed as individuals to fulfil the role of the SCOC, not as representatives of their particular profession, employer or interest group, and have a duty to act in the public interest. Members are appointed on a personal basis, even when they are members of stakeholder groups and organisations. If a member declares an organisation's views rather than a personal view, they should make it clear at the time of declaring that view.

Members should regard themselves as free to question and comment on the information provided or the views expressed by any of the other members,

notwithstanding that the views or information may not relate to their own area of expertise.

All members have the responsibility for:

- acting in the public interest;
- declaring any personal or business interest which may or may be perceived to influence their judgement;
- contributing at SCOC meetings;
- examining and challenging, if necessary, the assumptions on which advice is formulated;
- ensuring that the SCOC has the opportunity to consider contrary views and where appropriate the concerns and values of stakeholders before a decision is taken;
- sharing in the general responsibility to consider the wider context in which their expertise is employed; and
- ensuring that they act in accordance with this code.

Role of the SCOC Support Team

The primary function of the Support Team is to support the SCOC and its members by arranging meetings, assembling information and recording discussions.

Minutes of all SCOC meetings will be taken and summaries will be placed on the SCOC website. These will accurately reflect the proceedings and discussions that take place and will be recorded on a non-attributable basis except where the views of one or more members need recording (for example, when declaring an interest).

The Support Team will also advise the SCOC on process and procedures.

Role of official observers

Representatives of Government Departments and Devolved Administrations may be invited to advise the SCOC on relevant developments in order to help the SCOC formulate its advice. Other officials may attend the SCOC meetings by invitation of the Chair.

In the event that observers are unable to attend in person, an appropriate deputy may be nominated to attend the SCOC meeting or working

group. In the event of an observer, or nominated deputy, not being able to attend written submissions may be sent via the Support Team.

Thematic days and working groups of the SCOC

The SCOC may wish to hold a number of thematic working days in addition to its formal meetings to focus on particular issues or to ensure that the SCOC is able to comment on time limited consultation documents.

The SCOC may also establish working groups, where appropriate, to carry out detailed work on the behalf of the SCOC. These will be chaired by a member of the SCOC.

The remit of working groups will be determined by the SCOC. The SCOC remains responsible for all work delegated to a working group. These groups will report directly to the SCOC and the SCOC will then provide advice to Ministers as appropriate.

Working groups may also include non-SCOC members to increase the range of expertise available. Co-optees are expected to adhere to the Code of Practice.

Representatives from Government Departments and the Devolved Administrations, may also be invited to act as observers at thematic days or on relevant working groups.

Communications with Ministers

Communications between the SCOC and Ministers will usually be through the Chair, except where the Chair or the SCOC has agreed that an individual member should act on its behalf. Nevertheless, any member has the right of access to Ministers on any matter that he or she believes raises important issues relating to his or her duties as a SCOC member. In such cases both the Support Team and the Chair should be informed.

Communications with the media

The Chair of the SCOC will be the spokesperson for any contacts with the media unless other specific arrangements have been made by the Chair and Support Team.

If a member receives an approach for an interview on behalf of the SCOC the request must be referred to the Support Team for advice.

If a member is speaking or writing in a personal or professional capacity to the media (which they are of course entitled to do) and they are identified as a member of the SCOC, it should be made clear that the individual's view is not necessarily that of the SCOC.

All media enquiries to members should, when relevant to SCOC business, be routed through the Support Team who will liaise with the Chair.

Any requests for articles, letters or other comments relating to the work of the SCOC that are intended for publication should be referred to the Support Team and a copy of the text made available to the Support team as early as possible prior to its publication.

Openness and transparency

The SCOC will make public (through publication on the SCOC website), and will continue to make public:

- details of the SCOC's terms of reference;
- membership of the SCOC;
- members' profiles;
- contact points for the Chair and Support Team;
- summaries of meetings: and
- an annual report.

Freedom of Information Act

The Freedom of Information Act 2000 gives a general right of access to 'recorded' information held by public authorities. This means that access to material recorded by SCOC can be sought by members of the general public.

Members' conduct

The Chair and members of the SCOC, special advisers and members of working groups are expected to follow the Seven Principles of Public Life set out by the Committee on Standards in Public Life (www.public-standards.gov.uk) as follows:

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.

Integrity

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might 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.

Appraisal

The SCOC is a Non-Departmental Public Body and, in this context, both members and the Chair are subject to annual appraisals that are subsequently reported to the Appointments Commission.

Gifts and hospitality

Members are expected to ensure that acceptance of gifts and hospitality will stand up to public scrutiny. Gifts should be declined wherever possible and any offers of such reported to the SCOC Support Team.

Registering interests

Members should enter any relevant interests in the SCOC Register of Interests, maintained by the SCOC Support Team and are responsible for keeping the entry up to date. Should a particular matter on a meeting agenda give rise to a conflict of interest members are asked to inform the Chair and the Support Team in advance so that they can consider whether the member should withdraw from the discussion.

New appointments

Members should inform the SCOC Support Team in advance of any new appointments, including appointments to other public bodies.

Political Activities

Members should inform the SCOC Support Team if they intend to accept a prominent position in any political party and understand that the appointment to SCOC may be terminated early, if it is felt that the positions are incompatible.

Members of public bodies are expected to show a degree of detachment from political activities. Members should therefore not carry out executive duties in any political party. Members are free to engage in any political activities, providing they recognise their general public responsibility and exercise proper discretion, particularly with regard to the work of the Commission. On matters affecting that work, members should not normally make political speeches.

If members become prospective UK, Scottish, Welsh or European Parliamentary candidates (that is, in the case of the UK, selected by a constituency but not yet formally nominated) they should withdraw from all consideration of Commission matters which have a bearing on their interest as a prospective Parliamentary candidate.

If, at any time during their appointment, members accept a nomination for election to the House of Commons, the Scottish Government, the Welsh Assembly Government or European Assembly, under the Representation of the People Act 1983 or the European Parliamentary Elections Act 1978, they will need to resign their appointment as a member of SCOC.

Members are free to maintain associations with Trade Unions, Co-operative Societies, trade associations, and so on, to the extent that such associations do not conflict directly with the Commission's interests.

Termination of appointment

Arrangements for resignation or termination of membership will be in accordance with the terms and conditions set out in the Appointments Commission's Terms and Conditions of Membership, attached at Annex 2 (page 42).

Personal liability of members

The Cabinet Office offers the following advice to members of advisory bodies:

"Legal proceedings by a third party against individual board members of advisory bodies are very exceptional. A board 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 board 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 board functions. Board members who need further advice should consult the sponsor department."

Expenses

Members should submit claims for expenses within one month of the expense being incurred.

SCOC Support Team
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