

CIVIL JUSTICE COUNCIL: CODE OF PRACTICE

Public service values

The members of the Civil Justice Council 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, comply** fully with the Code of Practice on Access to Government Information.

Standards in Public Life

All Council members must

- follow the Seven Principles of Public Life set out by the Committee on Standards in Public Life (annex A);
- comply with this Code, and ensure they understand their duties, rights and responsibilities, and that they are familiar with the function and role of this body and any relevant statements of Government policy.
- 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, board members should be conscious of their public role and exercise proper discretion. These restrictions do not apply to MPs (in those cases where MPs are eligible to be appointed), to local councillors, or to Peers in relation to their conduct in the House of Lords.

Role of Council members

Members of the Civil Justice Council have collective responsibility for the operation of the Council. They must:

- engage fully in collective consideration of the issues, taking account of the full range of relevant factors, including any guidance issued by the Ministry of Justice or the Secretary of State;
- ensure that the Code of Practice on Access to Government Information (including prompt responses to public requests for information) is adhered to; agree an Annual Report; and, where practicable and appropriate, hold at least one meeting a year in public;
- 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 except where the Council has agreed that an individual member should act on its behalf. 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.

The Secretary of State can normally remove individual Council members from office 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 appropriate intervals, and that the minutes of meetings and any reports to the Secretary of State accurately record the decisions taken and, where appropriate, the views of individual Council members;
- representing the views of the Council to the general public; and
- ensuring that new Council members are briefed on appointment, and providing an assessment of their performance, on request, when members are considered for re-appointment to the Council or for appointment to the Council of some other public body.

Handling conflicts of interests

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, or 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 household¹. The register of interests should be kept up-to-date and be open to the public.

A declaration of any interest should also be made at any Council meeting if it relates specifically to a particular issue under consideration, for recording in the minutes (whether or not a 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 this body or the sponsor department, which requires them not to participate and/or to withdraw from the meeting.

Members must 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. The information disclosed to them in the course of their public service on the Council can only be used for the purpose of carrying out their functions as members. It is and is to be kept confidential until such time as it is appropriate for the Council to make it public.

The relationship between the member and the Council is one of confidence. Any unauthorised use of the information disclosed to the member in the course of carrying out the business of the Council would represent a breach of confidence and could be restrained if threatened.

¹ Indirect pecuniary interests arise from connections with bodies which have a direct pecuniary interest or from being a business partner of, or being employed by, a person with such an interest. Non-pecuniary interests include those arising from membership of clubs and other organisation. Close family members include personal partners, parents, children (adult and minor), brothers, sisters and the personal partners of any of these.

Personal liability of Council members

Legal proceedings by a third party against individual Council members of 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 board functions. Council members who need further advice should consult the Ministry of Justice.

ANNEX A

THE SEVEN PRINCIPLES OF PUBLIC LIFE

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 interests.

Leadership

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

Please sign and date below to confirm that you have agreed to abide by the Civil Justice Council's Code of Practice.

Sign -----

Date -----