

CODE OF CONDUCT FOR BOARD MEMBERS

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Foreword

The Government expects all holders of public office to work to the highest personal and professional standards. In support of this, all non-executive board members must abide by the principles set out in this Code of Conduct. The Code sets out, clearly and openly, the standards expected from those who serve on the boards of UK public bodies and should form part of individual members' terms and conditions of appointment. Any breach of the Code should be viewed as a breach of those terms and conditions of appointment.

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1. INTRODUCTION

1.1 As a public office-holder, your behaviour and actions must be governed by the principles set out in this Code of Conduct. It is your responsibility to ensure that you are familiar with, and comply with, all the relevant provisions of the Code. The role of the Chair is also described.

2. KEY PRINCIPLES OF PUBLIC LIFE

2.1 The key principles upon which this Code of Conduct is based are the Seven Principle of Public Life¹. These are:

Selflessness

You should take decisions solely in terms of the public interest. You should not do so in order to gain financial or other material benefits for yourself, your family or your friends.

Integrity

You should not place yourself under any financial or other obligation to outside individuals or organisations that might, or might be perceived to, influence you in the performance of your official duties.

Objectivity

In carrying out public business, including making public appointments, awarding contracts and recommending individuals for rewards and benefits, you should make choices on merit.

Accountability

You are accountable for your decisions and actions to the public and must submit yourself to whatever scrutiny is appropriate for your office.

¹ Standards in Public Life: First Report of the Committee on Standards in Public Life. Volume 1: Report. CM 2850-I.

Openness

You should be as open as possible about the decisions and actions that you take. You should give reasons for your decisions and restrict information only when the wider public interest clearly demands.

Honesty

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

Leadership

You should promote and support these principles by leadership and example.

2.2 These principles should inform your actions and decisions as a board member.

3. GENERAL CONDUCT

Use of Public Funds

3.1 You have a duty to ensure the safeguarding of public funds² and the proper custody of assets which have been publicly funded.

3.2 You must carry out your fiduciary obligations responsibly – that is, take appropriate measures to ensure that the Forestry Commission uses resources efficiently, economically and effectively, avoiding waste and extravagance. It will always be an improper use of public funds for public bodies to employ consultants or other companies to lobby Parliament, Government or political parties.

Allowances

3.3 You must comply with the rules set by the board and the Forestry Commission regarding remuneration, allowances and expenses. It is your responsibility to ensure compliance with all relevant HM Revenue and Customs' requirements concerning payments, including expenses.

² This should be taken to include all forms of receipts from fees, charges and other sources.

Gifts and Hospitality

3.4 You must not accept any gifts or hospitality which might, or might reasonably appear to, compromise your personal judgement or integrity or place you under an improper obligation.

3.5 You must never canvass or seek gifts or hospitality.

3.6 You must comply with the rules set by the Commission on the acceptance of gifts and hospitality. You should inform the Chair of any offer of gifts or hospitality and ensure that, where a gift or hospitality is accepted, this is recorded in a public register in line with the rules set by the Commission.

3.7 You are responsible for your decisions on the acceptance of gifts or hospitality and for ensuring that any gifts or hospitality accepted can stand up to public scrutiny and do not bring the Commission into disrepute.

Use of Official Resources

3.8 You must not misuse official resources³ for personal gain or for political purposes. Use of such resources must be in line with the Commission's rules on their usage.

Use of Official Information

3.9 You must not misuse information gained in the course of your public service for personal gain or for political purpose.⁴

3.10 You must not disclose any information which is confidential in nature or which is provided in confidence without authority. This duty continues to apply after you have left the board.

³ This includes facilities, equipment, stationery, telephony and other services.

⁴ Board members who misuse information gained by virtue of their position may be liable for breach of confidence under common law or may commit a criminal offence under insider dealing legislation

Political Activity⁵

3.11 In your public role, you should be, and be seen to be, politically impartial. You should not occupy a paid party political post or hold a particularly sensitive or high-profile role in a political party. You should abstain from all controversial political activity and comply with Cabinet Office rules on attendance at Party Conferences⁶.

3.12 On matters directly related to the work of the Forestry Commission, you should not make political statements or engage in any other political activity.

3.13 In your official capacity, you should be even-handed in all dealings with political parties.

3.14 Subject to the above, you may engage in political activity but should, at all times, remain conscious of your responsibilities as a board member and exercise proper discretion.

3.15 You should comply with your Board's Code of Conduct as well as the Cabinet Office's rules on lobbying for NDPBs (<http://www.cabinetoffice.gov.uk/sites/default/files/resources/ndpbs-lobbying.pdf>).

3.16 If you have any remaining doubts about your activities, you should seek advice from your Chair and Defra via the FC Corporate Services team prior to undertaking significant political activity."

Employment and Appointments

3.17 If you wish to take up new employment or appointments during your term of office, you must inform the Chair.

3.18 On leaving office, you must comply with the rules of the Commission on the acceptance of future employment or appointments.

Communication with Ministers

3.19 Communications between the Board and Ministers will normally be through the Chair, except in cases where the Board has agreed that an individual member should act on its

⁵ If you are an MP, Member of the House of Lords, Member of a Devolved Administration or Local Councillor, you are exempt from these requirements - although you should still exercise proper discretion on matters directly related to the work of the Forestry Commission and recognise that certain political activities may be incompatible with your role as a board member.

⁶ www.cabinetoffice.gov.uk/content/public-bodies-and-appointments

behalf. An individual member of the Board has access to Ministers on any other matter which he or she believes raises important issues relating to his or her duties as a member of the Board. In such cases the agreement of the Board should normally be sought.

4. MEMBERS' INTERESTS

4.1 You must ensure that no conflict arises, or could reasonably be perceived to arise, between your public duties and your private interests – financial or otherwise.

4.2 You must comply with the rules of the Forestry Commission on handling conflicts of interests. As a minimum, these will require you to declare publicly any private interests which may, or may be perceived to, conflict with your public duties⁷. The rules will also require you to remove yourself from the discussion or determination of matters in which you have a financial interest. In matters in which you have a non-financial interest, you should not participate in the discussion or determination of a matter where the interest might suggest a danger of bias.⁸

4.3 It is your responsibility to ensure that you are familiar with the Forestry Commission's rules on handling conflicts of interests, that you comply with these rules and that your entry in the Commission's register of members' interests is accurate and up-to-date.

5. RESPONSIBILITIES AS A BOARD MEMBER

5.1 You should play a full and active role in the work of the Forestry Commission. You should fulfil your duties and responsibilities responsibly and, at all times, act in good faith and in the best interests of the Commission.

5.2 You should deal with the public and their affairs fairly, efficiently, promptly, effectively and sensitively, to the best of your ability. You must not act in a way that unjustifiably favours or discriminates against particular individuals or interests.

5.3 You must comply with any statutory or administrative requirements relating to your post⁹.

⁷ In general, all financial interests should be declared. When considering what non-financial interests should be declared, you should ask yourself whether a member of the public, acting reasonably, would consider that the interest in question might influence your words, actions or decisions.

⁸ These are common law provisions.

⁹ In the case of a body incorporated under the Companies Act or the Companies (Northern Ireland) Order, you will also be subject to the duties of directors under company law. In the case of a body that has charitable status, you will also be subject to the duties of trustees under charities law.

5.4 You should respect the principle of collective decision-making and corporate responsibility. This means that, once the board has made a decision, you should support that decision.

5.5 You must not use, or attempt to use, the opportunity of public service to promote your personal interests or those of any connected person, firm, business or other organisation.

6. RESPONSIBILITIES TOWARDS EMPLOYEES

6.1 You will treat any staff employed by the Forestry Commission with courtesy and respect. It is expected that employees will show you the same consideration in return.

6.2 You will not ask or encourage employees to act in any way which would conflict with their own Code of Conduct.

7. ROLE OF CHAIR

7.1 The Chair has particular responsibility for providing effective strategic leadership on matters such as:

- encouraging high standards of propriety, in particular ensuring that individual members comply with this Code;
- providing guidance on priorities to assist in the efficient allocation of resources;
- providing an assessment of performance of individual members, on request when they are being considered for reappointment or appointment to the Board of some other public body;
- formulating the Board's strategy for discharging its statutory duties;
- representing the views of the Board to the general public;
- ensuring that the Board in reaching decisions, takes proper account of guidance provided by the responsible Minister or Department;

7.2 The Chair will ensure that the Board meets at regular intervals throughout the year and that minutes of meetings accurately record decisions taken and, where appropriate, the views of individual members.

8. RESOLUTION OF DIFFICULTIES

8.1 If members have difficulty in complying with this Code, or believe that the Board is proposing to act improperly, they should raise the issue with the Chair who will advise on its resolution. If a Board member remains concerned they may seek guidance from the Secretary of State.