

# Code of Conduct & Best Practice for Members

1. This document sets out a Code of Conduct and Best Practice for members of the Education Workforce Council (the 'Council'). The Code provides recommended standards which apply to the conduct and practice of members of the Council. Council members must undertake, on appointment, to seek to comply at all times with this Code.
2. If members are in any doubt about the application of this Code, or about the propriety of any actual or proposed action, they should consult the Chairperson of Council or Chief Executive.

## Key principles of conduct and practice

3. The Council's principal aims as set out in *the Education (Wales) Act 2014* and its Strategic Plan, emphasise the role of the Council in working in the interests of registered practitioners, learners and the general public. Council members espouse the principles of public life set out by the *Committee on Standards in Public Life (The Nolan Committee)* and the additional three principles outlined in "*The Conduct of Members" (Principles) (Wales) Order 2001*.
4. The key principles which govern the conduct and practice of Council members are:

### **Selflessness**

Council members should take decisions on the basis of the interests of registered practitioners, learners and the public. Members should not make decisions in order to gain financial or other material benefits for themselves, their family, or their friends.

### **Integrity**

Council members should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in their performance as members of the Council. Members observe the relevant regulations which govern their membership of the Council and act as individuals in their own right and not as representatives of any organisations to which they may belong. Members should not misuse information gained in the course of their responsibilities for personal gain or for political purposes, nor seek to use the opportunity of their membership to promote their private interests or those of connected persons, firms, businesses or other organisations.

**Objectivity**

Council members act in good faith and in the best interests of the Council, observing the highest standards of objectivity in their responsibility for the planning and management of Council's resources. Members should seek to maximise value for money through ensuring that services are delivered in the most efficient and economical way within available resources, including the award of contracts on merit.

**Accountability**

Council members are accountable to registered practitioners, learners and the general public in Wales for the development and maintenance of a high quality education workforce.

**Openness**

Council members should be as open as possible about all the decisions and actions that they take. Members should give reasons for their decisions and restrict information only when the wider public or individual interest clearly demands.

**Honesty**

Council members have a duty to declare any private interests relevant to their Council duties and take steps to resolve any conflicts arising in a way that protects the public interest.

**Leadership**

Council members should promote and support these principles by leadership and example.

**Duty to Uphold the Law**

Council members must act to uphold the law and act on all occasions in accordance with the trust that the Welsh Government has placed in them through the Public Appointments Process.

**Stewardship**

In discharging their duties and responsibilities Council members must ensure that the Council's resources are used both lawfully and prudently.

**Equality and Respect**

Council members must carry out their duties and responsibilities with due regard to the need to promote equality of opportunity for all people and show respect and consideration for others.

## **Core responsibilities of Council Members**

5. Members of the Council are expected to bring independent judgement to bear on the Council's strategy, performance and accountability. Members must act corporately in the interests of the Council which in turn acts in the wider interests of registered practitioners, learners and the public rather than in the interests of a particular constituency.
6. Members must always bear in mind the need for probity in all they do. Members have corporate responsibility for ensuring that the Council complies with any statutory or administrative requirements for the use of public funds and its income from registration fees.
7. In fulfilling these corporate responsibilities, Council members must:
  - ensure that high standards of administration and decision making are observed at all times;
  - establish the overall strategic direction of the Council by means of oversight of the production of the Strategic Plan;
  - oversee the delivery of planned results by monitoring performance against agreed strategic objectives and targets;
  - ensure that the Council does not exceed its powers or functions, whether defined in statute or otherwise, or through any limitations on incurring expenditure set out in any Welsh Government financial terms and conditions. Members are normally advised on these matters by the Council's Chief Executive and its legal advisers;
  - respect the collective decisions and policies of Council in the public arena. Members espouse the principle of collegiality and recognise that decisions with which they disagree have been made by a majority of the Council.

## **The role of the Chairperson of Council**

8. The Chairperson will take particular responsibility for providing effective strategic leadership on matters such as:
  - formulating the Council's strategy for discharging its statutory duties;
  - encouraging high standards of propriety, and promoting efficient and effective use of staff and other resources throughout the Council;
  - ensuring that the Council, in reaching decisions, takes proper account of the Council's statutory responsibilities;
  - representing the views of the Council to the general public;

- providing information and advice to the Welsh Government.
9. The Chairperson should ensure that the Council meets at regular intervals throughout the year and that the minutes of meetings accurately record the decisions taken and, where appropriate, the views of individual Council members.
  10. The Chairperson should convey accurately the Council's advice and decisions to the appropriate Welsh Government Minister, except where the Council has agreed that an individual member should act on its behalf. An individual member has the right of access to Welsh Ministers on any matter which he or she believes raises important issues relating to his or her duties as a member of the Council.
  11. The Chairperson should ensure that all members of the Council, when taking up office, are fully briefed on the terms of their appointment and on their duties, rights and responsibilities. The Chairperson and other members of the Council should each have a copy of this *Code of Conduct and Best Practice* and other relevant background material, such as the Council's latest Strategic Plan and Annual Report and Accounts.

### **Council Members' Key Behaviours**

12. All EWC Council Members. The following Key Behaviours have been identified as effective in undertaking the role of EWC Council Member. They are derived from the person specification for the Council member role communicated as part of the appointment process and are used to support the annual *EWC Members' Review Process*.
  - Demonstrates a clear understanding of the functions and strategic objectives of the EWC, and the priorities of its stakeholders;
  - Regularly attends, prepares fully for and participates actively in meetings;
  - Reads, digests and analyses complex documents and contributes to discussions at a strategic level;
  - Communicates effectively, displaying the ability to listen, influence and challenge constructively;
  - Contributes to decision making by exercising sound judgement;
  - Builds effective relationships and works effectively as part of a team;
  - Demonstrates a clear understanding of and commitment to equality issues and challenges discriminatory practices;
  - Demonstrates a commitment to the Council's *Welsh Language Standards*;

- Demonstrates a commitment to *Nolan’s ‘Seven Principles of Public Life’* and the additional three principles outlined in *“The Conduct of Members” (Principles) (Wales) Order 2001* (set out under paragraph 4);
- Complies with the Council’s *Code of Conduct & Best Practice for Members*;
- As specified in 3(5) Schedule 1 of *the Education (Wales) Act 2014*, acts as an individual and not as a representative of any organisation or body to which they belong, nor any person, organisation or body that nominated them.

13. Chairperson of Council. The Key Behaviours outlined above are to be interpreted and applied in an appropriately enhanced sense with reference to the role of Council Chairperson. The following Key Behaviours should also apply:

- Acts as an ambassador for the Council, inspires confidence in the organisation and represents the interests of statutory regulation to outside bodies;
- Develops and maintains constructive collaboration, networking and consultation with stakeholders;
- Develops and maintains effective working relationships with the Chief Executive and other Council officers to secure effective oversight of the development and achievement of the Council’s strategic, policy and operational objectives and compliance with its statutory responsibilities;
- Chairs meetings confidently, effectively and inclusively, and facilitates open discussion;
- Conducts business in a spirit of openness, transparency and accountability, and ensures it is conducted in accordance with the Council’s *Standing Orders*;
- Monitors and develops Council Members’ performance through the Council’s *Members’ Review Process*, providing support as necessary.

### **Training, Development and Review**

14. Members are expected to commit to the continuous improvement and effective operation of the Council.
15. Members are required to attend an induction training session on appointment in preparation for Council membership. Members are also expected to participate in any further learning and development activities during their term of office, which may be arranged to assist them in fulfilling their responsibilities and undertaking their roles effectively.
16. Members are expected to participate fully in the Council’s annual Corporate Governance Review, which includes the Members’ Review Process, Council and Committee Reviews. The

Corporate Governance Review allows members to monitor and discuss the effectiveness of Council operations, and identify areas for improvement.

### **Members' relationships with the Chief Executive and Council officers**

17. Council members and officers have complementary responsibilities with regard to the formulation and implementation of Council policy.
18. Members' roles are strategic and include focusing on corporate strategy, key strategic objectives and targets, approval of major policy documents and major decisions involving the use of financial and other resources. Under its *Standing Orders*, the Council may delegate responsibility for specified matters to Committees of the Council, the Chairperson or the Chief Executive.
19. Responsibility for day-to-day management is delegated to the Chief Executive and senior Council officers, within a clear framework of strategic control by members. The Chief Executive has responsibility, under the Council, for the overall organisation, management and staffing of the Council, including Council officer conduct and discipline; for ensuring that the Council complies with all relevant legislation; and for monitoring compliance with Council's internal policies and regulations. The main point of contact between the Council and the Welsh Government on day-to-day matters will normally be the Chief Executive or another Council officer authorised to act on behalf of the Council.
20. The Chief Executive is responsible to the National Assembly for Wales and its Principal Accounting Officer for funds received from the Welsh Government. The essence of this role is a personal responsibility for the propriety and regularity of the public funds for which the Chief Executive is answerable. The Chief Executive has a responsibility to see that appropriate advice is tendered to the members on all these matters
21. Members have a responsibility to monitor the performance of the Chief Executive. Through the Council, members should ensure that the Chief Executive fulfils his/her responsibilities and support the Chief Executive in undertaking them

### **Receipt of gifts**

22. Members of Council should not receive any gift, hospitality or benefit of any kind which might be seen to compromise their personal judgement or integrity or to influence them to show favour or disfavour to any person or organisation. Nor should members leave themselves open to the accusation that they might have been so influenced. Members should consult the Chief Executive if they have doubts about the appropriateness or otherwise of accepting any gift.
23. If a gift is sent to a member, which the member feels they cannot return, or a gift or hospitality is offered to them in circumstances in which it would cause embarrassment or offence (to the member or the giver or others present) were the member to decline it, the

member should promptly inform the Council Secretary. Receipt of gifts will be recorded in the Council's gift register and reported to the Council's Audit & Scrutiny Committee.

24. Members must observe the provisions of the Council scheme for claiming travel and subsistence expenses in connection with their duties as members of the Council.

### **External appointments and handling conflicts of interests**

25. On appointment to Council, members should declare any existing external appointments, including any personal or business interests which may or may be perceived to conflict with their responsibilities as Council members, as per the Council's *Standing Orders*. During their term of office, members are requested to inform the Chief Executive if they take up any further external appointments.
26. A Register of Members' Interests appropriate to the Council's activities will be kept. The Register will list direct or indirect pecuniary interests which members of the public might reasonably think could influence judgement. The Register will also include non-pecuniary interests of members which relate closely to the Council's activities, and interests of close family members and persons living in the same household as the Council member.
27. 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.
28. Non-pecuniary interests include those arising from membership of clubs, school governing bodies, trade unions, freemasonry and other organisations.
29. Close family members include spouses or personal partners, parents, children (adult and minor), brothers, sisters, nephews, nieces and the spouses or personal partners of any of these.
30. The Council is committed to preventing situations in which suspicions of bias might arise. The Council will publish its Register of Members' Interests on the EWC website and make reference to the Register in its Annual Report. Council members are formally requested to update their details on the Register on an annual basis, and inform the Council Secretary as and when changes in circumstances occur.
31. If a member is in any doubt as to what they should or should not register or declare, they should consult the Chairperson or Chief Executive.
32. Members should take decisions in the interest of the Council without favour to any organisation or association, whether educational or otherwise. Members must recognise the need to avoid placing themselves under obligation to any organisation which might affect their ability to act impartially and objectively as members of the Council.
33. Members should be mindful that, due to the high profile nature of the role, even when they consider themselves to be acting in a private capacity or for another organisation, they may still be viewed as an ambassador for the Council. Members should note that the

appearance of a conflict or interest, in terms of public perception, can be just as damaging as an actual conflict – both should be avoided.

34. Members should not act in such a way as to undermine the good name of the Council and should avoid public criticism of Council decisions properly reached. Members should never through their words or actions act in ways to discredit the Council or bring it into disrepute.
35. Members should take note that the common law requires:
  - that members of public bodies, including EWC, should not participate in the discussion or determination of matters in which they have a direct pecuniary interest; and
  - that when an interest is of an indirect or non-pecuniary kind, that interest should be declared and recorded in the Council minutes. Council members should be alert to the risks of incurring obligation, or perceived obligation to external organisations, and should consider whether participation in the discussion or determination of a matter would suggest a real danger of bias.
36. Whether or not Council members are able in the light of the considerations above to participate in the discussion or determination of a matter, they should declare as soon as practicable after the meeting begins if they have an interest, pecuniary or other, in a matter being considered. In addition, Council members should consider whether they need to disclose relevant interests of other persons or organisations which members of the public might reasonably think could influence the members' judgement.
37. Where, in accordance with the above, members do not participate in the discussion or determination of a matter, they should normally withdraw from the meeting, even if it is held in public. This is because the continued presence of someone who had declared an interest might be thought likely to influence the judgement of the other members present.
38. Because the Council is required, other than exceptionally, to follow generally accepted accounting practice, members must facilitate compliance with the need for material transactions with related parties to be disclosed in financial statements.

### **Public speaking and contact with the media**

39. The Chairperson, Chief Executive and other senior Council officers will be responsible for communicating the views of the Council to the education workforce, other educational bodies and the public at large through the media, utilising the services of the Council's Communications team.
40. Council members may, on occasion, be asked by the Chief Executive or Chairperson to make media contributions on behalf of the Council and, if so, will be advised by the Chief Executive and Chairperson.
41. Any Council members approached by the media for comment about Council business should refer the person or matter to the Chief Executive.

## **Personal liability of Council Members**

42. In exceptional cases, it is possible for proceedings (civil, or in certain cases, criminal) to be brought against the Chairperson or other individual Council members, although legal proceedings which might be initiated by a third party are most likely to be brought against the Council itself. A Council member may be personally liable if he or she makes a fraudulent or negligent statement which results in loss to a third party.
43. However, the Council confirms that an individual member who has acted honestly and in good faith, will not have to meet out of his or her own personal resources any personal civil liability which is incurred in execution or purported execution of his or her Council function, save where the person has acted recklessly.
44. Council members who need further advice should consult the Chief Executive.

## **Openness and Responsiveness**

45. Council members should conduct all dealings with the public in an open and responsible way to ensure full compliance with the principles of the *Freedom of Information Act 2000*, the *Data Protection Act 1998*, and the *Environmental Information Regulations 2004*. Council meetings are open to the public save for reserved matters relating to business or individuals which are more appropriately discussed in private. The Council will publish minutes of meetings of the Council and arrangements for its public meetings on its website.

## **Confidentiality**

46. Council members are expected to respect the confidentiality of privileged information and only share documents on public agendas. This includes respect for the confidentiality of information concerning Council officers or individual practitioners subject to the Council's Fitness to Practise procedures. This duty applies during a member's term of office and continues to apply after it has ended and they have left the Council.
47. Council members should ensure that confidential information is stored securely. If a member becomes aware of a breach of confidentiality, they should immediately notify the Chairperson or Chief Executive.

## **Handling Complaints**

48. Council members who receive complaints from the public about the Council should refer such matters to the Chief Executive.

## **Breach of the Code**

49. Any concerns that a Council Member may be in breach of this Code should be raised with the Chairperson or Chief Executive.

50. The Chairperson will consider any concerns raised and, if appropriate, will convene a special meeting with the Council member, who will have the right to comment or make representations.
51. Where there is evidence of a deliberate, serious or continued breach of this Code the Chairperson will refer the matter to the Welsh Government to determine what further action (if any) should be taken, including if necessary removing the Council member from office.