

PRINCIPLES OF CONDUCT FOR ELECTED AND APPOINTED MEMBERS (EAMS) AT THE LAW SOCIETY

1. Introduction

These Principles apply to all elected and appointed members at the Law Society¹. This includes Council members and non-Council members of boards, committees and other bodies.

These Principles relate primarily to how EAMs discharge their personal role at the Law Society. By agreeing to serve as an EAM, you agree to abide by them and to accept the jurisdiction of the Conduct Committee in relation to any alleged breach of them, including (but not limited to) behaviour on social media which is in breach of these principles and/or could bring the Society into disrepute.

These Principles should be read in conjunction with the Law Society's Culture Code which applies to all EAMs and staff and sets out the principles for how we all work together, and in conjunction with any statutory provisions that are relevant to your role.

The core principles set out below derive from the 'Nolan' principles of public life, which the Law Society has long seen as a model to follow, but they are supplemented by some specific statements in relation to how those core principles should be applied, and in relation to matters which have arisen since the Nolan principles were first developed.

2. Overarching rules

EAMs must comply with the requirements of the Principles of Conduct set out below and with the requirements of the Law Society's Culture Code (and any successor documents). For the avoidance of doubt, any breach of the Culture Code will be regarded as a breach of these Principles of Conduct. EAMs must comply with the Principles set out below in all their work with the Law Society.

3. Core principles

Selflessness

1. EAMs must act in the best interests of the Society and must not improperly seek or accept any financial or other advantage for themselves or people closely connected with them, or people with whom they have a business or close personal connexion.

Integrity

2. EAMs must not allow themselves to be placed in a situation where their integrity or independence could justifiably be called into question.

¹ They constitute the document referred to in the Law Society's Bye-Laws as the 'Code of Conduct'.

Accountability

3. EAMs are accountable for their conduct and must be prepared to justify their conduct.

Openness

4. EAMs must be open about their decisions.

Honesty

5. EAMs must be honest and disclose their relevant financial and other interests in accordance with the rules on declarations of interests set out in the Appendix to these Principles.

Leadership

6. EAMs must promote these principles and lead by example.

Equality and diversity

7. EAMs must comply with best practice on equality and diversity issues and promote compliance by others. In this context, 'best practice' includes, but is not limited to, relevant legislation and the Society's own Culture Code and Equality and Diversity Policy.

Respect

8. EAMs must follow the principles of mutual respect in all their dealings and be prepared to accept that others may have equally strong views in good faith that differ from their own. EAMs must treat colleagues with respect and not engage in any behaviour towards other members or staff which might reasonably be interpreted as discriminatory, bullying or harassment.

Application of the principles

Representation of constituents by Council members

9. Council members must strive to represent the interests of the profession as a whole and of the public, with a focus as required on their constituents' interests, keeping them informed and being reasonably accessible to them.

Respect for democratic processes

10. EAMs must recognise that decisions with which they disagree may be made by a majority of the Council, the Board, or a committee. EAMs may dissent, but they should not seek to frustrate the implementation of decisions properly reached.

Roles of members and staff

11. EAMs must respect and recognise that staff are part of a line management structure responsible to the Chief Executive for the implementation of corporate decisions, and not to individual EAMs or directly to the Council, the Board, or a committee.

Confidentiality

12. EAMs must not communicate, or facilitate the communication of, information given to them in confidence as EAMs, or which otherwise comes into their possession in circumstances where confidentiality arises. For the avoidance of doubt, it is permissible for such information to be given to another EAM who is a member of the same governance body (Council, the Board, or a committee) (unless that member has a conflict of interest which would prevent him or her having access to the information). Law Society papers are classified as: Part 1 – fully public; Part 2a – may be shared with the profession but not the wider public; Part 2b – fully confidential; Part 3 – dealing with particularly sensitive matters and not usually minuted by staff. Further detail may be found in the governance manual.

Standards of debate

13. EAMs must uphold high standards of courtesy and respect in all Law Society meetings.

Approved regulator matters

14. When acting in the approved regulator role under the Legal Services Act, EAMs must bear in mind the primacy of the public interest, and of the need to act in accordance with the IGRs and any related SRA protocols, and strive to ensure that their decisions on such matters cannot be legally challenged

Financial matters

15. EAMs must deal responsibly and prudently with financial matters, particularly proposals for expenditure. EAMs who are members of governance bodies with financial responsibilities must ensure that they exercise due care in the scrutiny of budgets and accounts submitted to them.

Gifts and hospitality

16. EAMs must not accept gifts or hospitality where this might cause their integrity or independence to be questioned. Gifts and hospitality over the value of £100 must be reported to the Chief Executive or such member of staff as may be nominated from time to time within 28 days of receipt.

Use of members' services

17. EAMs must not seek any preferential treatment when using services provided by the Society generally for Law Society members or other persons.

Electioneering

18. The Society recognises that, where EAMs are candidates in Law Society positions that are filled by election, they may wish to canvas their EAMs, but EAMs must do this, if at all, in line with the other provisions of these Principles.

Attendance at meetings and discharge of duties

19. EAMs must commit themselves to attending Society meetings, unless prevented by compelling personal or professional reasons.
20. EAMs must ensure that they fulfil the terms of reference of any board or committee of which they are a member and act in accordance with the role description as may be specified.

Speaking for the Society

21. EAMs must not represent themselves as speaking officially for the Society when this is not the case and must take care to avoid being placed in a position where they might be misrepresented as speaking for the Society. EAMs have a duty to distinguish clearly, when speaking or writing, between views held by themselves personally or based on any other organisational affiliations they may have and those of the Society. Any communication with the media about our work, including publication of views via the internet or by other means, should be discussed with the Communications team before a statement is published. In communicating with the media or making any statement, EAMs do so on the basis of collective responsibility and in support of our purpose and policies.

Wrongdoing, bribery and fraud

22. EAMs have a duty to raise any concerns about possible wrongdoing within the Law Society, with the Chief Executive if it concerns a member of staff, with the President of the Society if it concerns the Chief Executive or another EAM, or with the Chair of the Audit Committee if it concerns the President.
23. This includes ensuring compliance with the law on bribery and anti-fraud and taking steps to avoid any situation where there is an expectation of a gift or payment in return for an advantage of any kind.

Complaints against EAMs

24. Any complaint against an EAM will be referred to the Conduct Committee ('the CC').
25. The CC (through a panel) may investigate the complaint and impose sanctions it judges to be appropriate. Alternatively, the CC Chair may with the consent of the EAM complained against deal with less serious complaints under a summary procedure.
26. The CC is empowered (subject to the rules of natural justice) to decide its own procedure, which it has done (subject to the power to vary it where necessary) (which may include the power for the Chair or Vice-Chair to dismiss any complaint he or she deems to be trivial or vexatious in nature).

Interpretation

27. Questions about the interpretation of these Principles, or concerns about the conduct of an EAM, should be referred initially to the Chair of the Conduct Committee, or to the Chief Executive or such staff member as may be nominated from time to time.

APPENDIX TO THE PRINCIPLES OF CONDUCT: CONFLICTS OF INTERESTS AND DECLARATIONS OF INTERESTS

General points

1. Where a matter concerns the exercise of the Society's role as an approved regulator under the Legal Services Act, it is not legally possible for the rules on conflicts of interest to be waived, and they must be applied strictly.
2. For other matters, relating to the Society in its representative role, or as a private law corporation, the application of these rules may be lawfully waived by simple majority of the members present. However, in general, these rules should be followed.
3. No possible conflict can arise when the matter affects solicitors generally in a particular category, such as holders of practising certificates or those engaged in conveyancing, and the member has no interest except as a member of that category and over above other solicitors in that category.
4. Members must declare all relevant interests at the time the matter concerned arises, whether or not those interests have been included in the register of members' interests (see below). In case of doubt, an interest should always be declared.
5. If a member has an interest which could lead him or her to be influenced, or to be reasonably seen to be influenced, by the real possibility of significant personal gain (or loss) of a financial or non-financial nature, the interest will be deemed to be prejudicial and the member should not speak or vote on that matter, and may also need to withdraw from the room.
6. If a member has an interest in a matter where no significant personal gain (or loss) could arise, but has a personal connection or previous involvement in an issue, it will be a matter for the member's discretion (having declared the interest) whether to take part in the proceedings, based on whether he or she feels he or she can bring an open mind to the question.
7. A member who has identified a potential area of conflict of interest should consult the Chief Executive or such staff member as may be nominated from time to time.

Register of interests

8. The following interests (which are not an exhaustive list) should be declared in the register –
 - (1) Posts held in the course of employment or practice, including partnerships and directorships.
 - (2) Any contract for goods, services or works between the Society and the member or any firm or organisation in which the member is a partner, director or employee.

- (3) Any office held in a public or professional body (other than the Society or where the appointment is by the Society.)
 - (4) Any position in an organisation which might be affected by regulatory or commercial decisions taken by the Society or the SRA.
 - (5) Membership of a body (including a political party) whose principal purposes including influencing public opinion or policy in areas relevant to the Society's work.
 - (6) Any significant financial interest relevant to the Society's work.
 - (7) Membership of a private society or club (other than a religious body), provided the body has substantive entry requirements for membership.
 - (8) The interests of a relative or related-party, where –
 - (a) the member is aware of the interest; and
 - (b) a fair-minded observer might reasonably perceive a conflict of interest.
9. Registration of an interest does not obviate the need to declare the interest in debate when the need arises.