



The Law Society

CODE OF CONDUCT FOR COUNCIL MEMBERS

April 2013



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REVISED CODE OF CONDUCT FOR COUNCIL MEMBERS

(Adopted by the Council under Article XL of the Charter on 19 March 2008; Amended 5 October 2011)

[Note: 'Member' in this Code primarily means a Council member, but also, depending on the context, non-Council members of boards, committees and other bodies. The Code only applies to members when acting in that capacity.]

Core principles

Selflessness

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

Accountability

3. Members are accountable for their conduct, and should be prepared to justify their conduct.

Openness

4. Members should be open about their decisions.

Honesty

5. Members 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 this Code.

Leadership

6. Members should promote these principles and lead by example.

Equality and diversity

7. Members 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 Equality and Diversity Policy.

Respect

8. Members should 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. Council members should 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

9. Members are representatives not delegates. Members should strive to represent their constituents' interests, keep them informed and be reasonably accessible to them.

Collegiality

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

Roles of members and staff

11. Members must 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 Council members. Members must not place staff in any position where this principle might be compromised.

Confidentiality

12. This Clause is particularly relevant to Council members as they are fiduciaries, but it applies generally to all members who are subject to this Code. Council members must not communicate, or facilitate the communication of, information given to them in confidence as Council members, 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 Council member (unless that member has a conflict of interest which would prevent him or her having access to the information). The designation of Council and board business as confidential must be respected, even if the Council member disagrees with the designation.

Standards of debate

13. Members must uphold high standards of courtesy and respect in Council debates and Society meetings.

Approved regulator matters

14. When acting in the approved regulator role under the Legal Services Act, members should bear in mind the primacy of the public interest and strive to ensure that their decisions on such matters cannot be legally challenged.

Financial matters

15. Members should deal responsibly and prudently with financial matters, particularly proposals for expenditure.

Gifts and hospitality

16. Members 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 he may nominate from time to time within 28 days of receipt.

Use of members' services

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

Electioneering

18. Members should not improperly use Society meetings as an arena for partisan or electioneering statements.

Attendance at meetings

19. Members should commit themselves to attending Council and other meetings, unless prevented by compelling personal or professional reasons, and should seek leave of absence from Council meetings only where this is absolutely necessary.

Speaking for the Society

20. Members must not represent themselves as speaking officially for the Society when this is not the case, and should take care to avoid as far as possible being placed in a position where they might be misrepresented as speaking for the Society.

Complaints against members

21. Any complaint against a member (other than members of the SRA board, for whom there is a separate procedure) under this Code (or, pending amendment of the Dignity at Work Policy, under that Policy) will be referred to the Council Members' Conduct Committee ('the CMCC').

22. The CMCC (through a panel) may investigate the complaint and report to the Council, which alone has the power to administer any sanction. Alternatively, the CMCC Chair may with the consent of the member complained against deal with less serious complaints under a summary procedure.
23. The CMCC is empowered (subject to the rules of natural justice) to decide its own procedure (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

24. Questions about the interpretation of the Code, or concerns about the conduct of a member, should be referred initially to the Chief Executive or such staff member as he may nominate from time to time.

APPENDIX TO THE CODE

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 he may nominate 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.