

Appendix 9: Code of conduct for Commissioners

Introduction

1. The Gambling Commission (the Commission) must ensure that Commissioners are supported to make good decisions about the probity of their actions and how those actions might be perceived by others. This Code of Conduct is an important part of that support. The Code reflects best practice and the Commission's values. It sets out the standards of behaviour that are expected of Commissioners. Following the advice and requirements in this Code will help avoid misunderstandings about actions or behaviour.

Our values
Fair - we will be consistent, proportionate, evidence-based and free from bias, prejudice or discrimination.
Accountable - we will be open about the way in which we work and reach decisions in the public interest, while safeguarding personal and confidential data.
Professional - we will ensure that we have the right skills and knowledge-base and follow international regulatory best practice.
Constructive - we will work positively and courteously with all our stakeholders to ensure that their needs and views are taken fully into account.

2. We expect everyone who works with us to behave with utmost integrity. This means avoiding not only actual impropriety but any perception of impropriety. By 'propriety' we do not just mean compliance with rules, although that is important. We also mean conduct and behaviour in carrying out actions or engaging with stakeholders. Failure to maintain high standards of behaviour may not be intentional. However, there is always a risk that what we do or how we do it could be – or could be seen as – impropriety.
3. This Code sets out the framework for conduct for Commissioners. If you wish to discuss any matters arising under the Code, you can speak with the Governance Team, or with the Chairman, if you prefer.
4. Commissioners are required to confirm that they have understood this Code.

The Seven Principles of Public Life

5. The Principles of public life apply to anyone who works as a public office-holder. This includes all those who are elected or appointed to public office, nationally and locally, and all people appointed to work in the civil service, local government, the police, courts and probation services, non-departmental public bodies (such as the Commission), and in the health, education, social and care services. All public office-holders are both servants of the public and stewards of public resources. The principles also have application to all those in other sectors delivering public services.

<p>Selflessness</p> <p>Holders of public office should act solely in terms of the public interest.</p>
<p>Integrity</p> <p>Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.</p>
<p>Objectivity</p> <p>Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.</p>
<p>Accountability</p> <p>Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.</p>
<p>Openness</p> <p>Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.</p>
<p>Honesty</p> <p>Holders of public office should be truthful.</p>
<p>Leadership</p> <p>Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.</p>

The role of the Chairman

6. The Chairman is responsible to the Secretary of State for ensuring that the Commission fulfils its statutory purpose as set out in our founding legislation, and that the Commission's affairs are conducted with probity. The Chairman also has a number of leadership responsibilities:
- formulating the Board's strategy for discharging its statutory duties;
 - encouraging the highest standards of propriety;
 - ensuring that the Board, in reaching decisions, takes proper account of guidance provided by the responsible minister or the Department;
 - supporting the Accounting Officer in promoting the efficient and effective use of staff and other resources;
 - supporting the Accounting Officer in delivering high standards of regularity and propriety; and
 - representing the views of the Board to the general public.
7. The Chairman should ensure that:

- the performance of the Board and its individual members are reviewed annually and operate effectively and to instigate remedial action should this not be the case;
 - the Board has a balance of skills appropriate to directing the Commission's business, consistent with the Code of Good Practice for Corporate Governance in central government departments¹;
 - Board members are fully briefed and understand their terms of appointment, duties, rights and responsibilities;
 - when required, he or she, together with the other Board members, receives appropriate training on financial management and reporting requirements and on any differences that may exist between private and public sector practice;
 - the responsible minister is advised of the Commission's needs when Board vacancies arise, including the skills and capabilities needed for the Commission to fulfil its statutory purpose, consistent with the requirements of the Governance Code on Public Appointments²;
 - he or she assesses the performance of individual Board members when being considered for re-appointment; and
 - there is a code of practice for Board members in place consistent with the Cabinet Office Code of Conduct for Board Members of Public Bodies.
8. The Chairman should ensure that the Commissioners meet regularly throughout the year and that the minutes of meetings accurately record the decisions taken.
9. The Chairman will ensure that, when new Commissioners take up office, they are fully briefed on their terms of appointment and on their rights, duties and responsibilities as a Commissioner.
10. The Chairman will encourage Commissioners to participate in induction and development activities as appropriate.

Responsibilities of Commissioners

11. Commissioners have collective responsibility for ensuring that the Commission complies with any statutory or administrative requirements for the use of public funds.
12. Commissioners should:
- ensure high standards of corporate governance are observed at all times;
 - establish the overall strategic direction of the Commission within the relevant statute and the policy and resources framework, agreed with the responsible minister;
 - ensure the Commission operates within the limits of its statutory authority and any delegated authority agreed with DCMS and in accordance with any other conditions and standards relating to the use of public funds;
 - ensure that, in reaching decisions, the Commission takes appropriate account of any guidance issued by DCMS;

¹ <https://www.gov.uk/government/news/government-publishes-new-corporate-governance-code>

² <https://www.gov.uk/government/publications/governance-code-for-public-appointments>

- ensure the Commission takes responsibility for sustainable development and operates within the framework of the UK Sustainable Development Strategy
 - comply at all times with this Code of Conduct which reflects the Code of Conduct for Board Members of Public Bodies³, and with the rules relating to the use of public funds and to conflicts of interest;
 - not misuse information gained in the course of their public service for personal gain or for political profit, nor seek to use the opportunity of public service to promote their private interests or those of connected persons or organisations;
 - comply with the Commission’s rules on the acceptance of gifts and hospitality;
 - act in good faith and in the best interests of the Commission.
13. As a Board member, 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.
14. You should treat Commission staff with courtesy and respect at all times. It is expected that staff will show you the same consideration in return.
15. Communications between Commissioners and the responsible Minister will normally be through the Chairman, except where the Commissioners have agreed that another Board member should act on the Chairman’s behalf.
16. However, as a Commissioner you can approach Ministers on any matter which you believe raises important issues relating to your duties as a Commissioner. In such cases, the agreement of the rest of the Board would usually be sought.
17. The legislation under which Commissioners are appointed (Schedule 4 to the Gambling Act 2005⁴) allows the Secretary of State to remove any Commissioner from office if, in the Secretary of State’s opinion, a Commissioner is unable, unfit or unwilling to perform their functions.

Political activity

18. You should not occupy paid party political posts or hold particularly sensitive or high profile unpaid roles in a political party. Subject to these restrictions, you are free to engage in political activities, provided that you are conscious of your general public responsibilities and exercise proper discretion.
19. This is particularly important where political activity may be generally perceived as controversial. On matters directly affecting Commission work, you should not make political speeches or engage in other political activities.
20. These restrictions do not apply to Commissioners who are elected members of a parliament or assembly in the UK, local councillors, or a Peer in relation to conduct in the House of Lords.

³ <https://www.gov.uk/government/publications/board-members-of-public-bodies-code-of-conduct>

⁴ <http://www.legislation.gov.uk/ukpga/2005/19/contents>

The role of the Chief Executive

21. The Chief Executive, as Accounting Officer for the Commission, is accountable to Parliament and to the DCMS Accounting Officer for the resources under the Chief Executive's control, consistent with the requirements of Managing Public Money⁵.
22. This role carries with it personal responsibility for the propriety and regularity of the Commission's finances; for the keeping of proper accounts; for prudent and economical administration; and for the efficient and effective use of resources. The Commission's Accounting Officer also has responsibility to see that the Commissioners are appropriately advised on these matters.
23. The Chief Executive or another employee who is authorised to act on behalf of the Commission will usually be responsible at strategic level for the relationship between the Commission and DCMS.
24. The Chief Executive must maintain current knowledge of all relevant requirements in relation to leadership of a public body, including the specific duties and responsibilities of an Accounting Officer.

Delegation

25. The Board is accountable for everything the organisation does. The Board may delegate responsibility for specified matters to individual Commissioners, a committee consisting of Commissioners or Commissioners and staff, or a member of staff, within a clearly-understood and transparent framework of delegation and control.

Accountability and efficiency

26. You have a duty to ensure that funds are properly safeguarded and that, at all times, the Commission conducts its business as economically, efficiently and effectively as possible. To be clear, this applies equally to licence fee funded activities and to any activities funded by other means.
27. So far as reasonably possible, you are responsible for ensuring the Commission does not exceed its powers and functions, whether set out in statute or otherwise, to incur expenditure which should not be incurred.
28. You should ensure that a full statement of resources and their use is included in the Annual Report and Accounts. The Chief Executive as Accounting Officer will advise you on these matters.
29. You must comply with rules about allowances and expenses. Where income tax is deducted directly from your remuneration as part of the payroll process, it is your responsibility to ensure that the correct tax treatment is applied and that you comply with HM Revenue and Customs requirements.

⁵ <https://www.gov.uk/government/publications/managing-public-money>

Confidentiality

30. As part of your work you will have access to sensitive information, including commercial, political and personal information. You must not share or make use of any such information, except for the proper delivery of your duties.
31. Failure to follow this requirement will be regarded as a serious matter and will be notified to the Chairman and to the Chief Executive as Accounting Officer.
32. In addition, you should aim to prevent the unauthorised publication or disclosure of such information by another person. If you believe that an unauthorised disclosure has taken place, or might do so, you should discuss your concerns immediately with the Chairman and the Chief Executive as Accounting Officer.

Information security

33. You must comply with public sector guidance around the classification and handling of information. The majority of information the Commission handles is classified as 'Official' which means it should be handled with routine security.
34. Some information, however, is particularly sensitive. This means that loss or insecure handling could lead to damaging consequences for the organisation or for individuals, or might lead to action by third parties if release of this information has impacts on them.
35. To highlight these risks, we use the classification 'Official Sensitive' in email headers and on documents. This means that the information should be handled with particular care, such as not forwarding an email inappropriately or reading a document where it can easily be seen by others.
36. In addition, there are restrictions on the use of private email accounts and devices. Where information is stored in private email accounts, it is on servers that are outside of our control. We do not know where or how it is kept, or who has access to it. Commercial cloud storage services and private email accounts are prone to attack by cyber criminals and others. Commission email accounts and equipment have layers of security and active monitoring which may not be present in other services.
37. All documents, email messages, social media posts and texts can be subject to Data Protection and Freedom of Information legislation where they relate to Commission business and fall in scope of a request. Full details of these legislative requirements can be provided by the Information Security Team.

Openness and responsiveness

38. You should work in an open and responsive way, ensuring compliance with the Freedom of Information Act 2000, consistent with the nature of the Commission's business and the confidentiality requirements in this Code.

Gambling and National Lottery play by Commissioners

39. Gambling is a legitimate leisure activity, so a total ban on gambling by Commissioners would be unduly restrictive. It could also cut Commissioners off from knowledge and experience of the sector they regulate.

40. However, because we are the industry regulator, we have to place restrictions on the gambling that you can undertake. This is to protect you and the Commission from the risk, actual or perceived, of bias, lack of objectivity, or impropriety. In addition, any large wins or losses could lead to speculation about the integrity of regulatory processes and might place an uncomfortable focus on personal financial information. This might particularly be the case in physical premises where you would have direct contact with an operator's staff.
41. In remote gambling (which means online, by phone or interactive television), we think the risks of participation by Commissioners are lower. This is because in remote gambling there is a clear audit trail for transactions, which can be used to investigate any allegations. There is also far less potential for contact with operator staff.
42. You should bear in mind that no gambling of any kind is permitted on Commission premises. No gambling of any kind is permitted using Commission equipment.
43. To manage the risk of actual or perceived impropriety, you are required to comply with some common sense restrictions on gambling:
 - You cannot play the National Lottery or any other lottery licensed by the Commission. This includes any game offered as part of the National Lottery or other lottery
 - You cannot personally accept winnings from any lotteries licensed by the Commission
 - You cannot gamble in non-remote bingo halls, casino's or bookmakers' premises in Great Britain
 - You cannot gamble with on-course bookmakers
44. You may gamble remotely, (for example by phone, telephone or internet) as we believe that probity and reputational risks can be mitigated more easily where an audit trail for play is readily available. However, given your position as Commissioners there are things you must do to manage any risk of actual or perceived impropriety.
45. You must notify the Commission's Intelligence lead of any significant wins or losses (for example above £500).
46. You must notify the Commission's Intelligence lead if any remote gambling account in your name is hacked or otherwise compromised, whether or not that leads to unauthorised gambling on your account.
47. You must provide any additional information about your remote gambling that we may require. Any information you provide will be held in confidence, but will be made available to any relevant investigation. You will be informed if this takes place.

Financial circumstances

48. If you have financial problems that may make you vulnerable to potential allegations of impropriety, you must inform the Chairman as soon as possible and seek appropriate assistance.

Visits to gambling premises

49. A ban on visiting gambling premises would be counter-productive. It would restrict the ability of Commissioners to gain insight into the sector. However, a considered approach to visits is needed, for the same reason that restrictions are placed on your ability to gamble.
50. You may visit non-remote bingo halls, casinos, or bookmakers premises in Great Britain, however, if you visit in an official capacity, to prevent your presence from being misconstrued you should make your presence known to the operator's staff. As public appointees and representatives of the regulator, you should be watchful for any perception that you have had an unauthorised interaction with an operator.
51. It is not necessary to make yourself known when visiting in a private capacity.
52. You do you must notify the Commission's Intelligence lead if your visit constitutes more than just a brief casual visit. Any official visits are accompanied by a member of staff, preferably the relevant Compliance Manager for that premises or a member of the senior team.
53. When visiting such premises, remember that frontline operator staff may not have detailed knowledge of how the Commission works and may not understand your role as a Commissioner. If asked, you should be prepared to signpost operator staff to sources of information.
54. You must not visit such premises if you are aware of an impending regulatory decision which affects those premises or the operator of those premises. You should make every effort to stay up to date with impending regulatory decisions, to avoid inadvertently visiting somewhere which is subject to ongoing action.
55. You may visit horse and greyhound racetracks. If you visit these premises in an official capacity, then the considerations above apply.
56. If you visit gambling premises in any capacity, whether in Great Britain or abroad, you must ensure that neither you nor anyone with you receives privileges (such as memberships or gifts), preferential treatment (such as the style of service offered), nor any hospitality that is not generally available to other visitors to the premises.

Gifts and hospitality

57. We encourage Commissioners to build an understanding of the sector. This includes developing contacts with a range of organisations, for example consumer groups, trade bodies, operators and investors. In doing so, you should maintain high standards of honesty and integrity.
58. Key to this is compliance with rules on the acceptance of gifts and hospitality. As well as complying with the requirements of this Code of Conduct, you should also be aware of the provisions of the Bribery Act 2010⁶ and ensure that your actions do not place you or the Commission at risk of any accusation that the law has been

⁶ <https://www.gov.uk/government/publications/bribery-act-2010-guidance>

breached. If you are in any doubt about this, you should contact the Governance Team in the first instance.

59. To avoid any suggestion of impropriety, Commissioners must not accept any gifts, however modest, unless there are political (for example, dealing with a foreign government) or cultural reasons where refusal would be regarded as offensive. If you accept a gift for this reason, you should advise the Governance Team. Any such gifts remain the property of the Commission, not of individual Commissioners.
60. These requirements do not apply to low-value, practical items which are given out freely, such as bags, pens or stationery items provided as part of attendance at a conference.
61. A common sense approach should be taken to offers of hospitality. In a number of settings, such as routine meetings, establishing new contacts, or undertaking wider stakeholder engagement, acceptance of hospitality would not be problematic. For example, lunch or light refreshments, where these are incidental to engagement with stakeholders.
62. The questions you should consider are whether acceptance of hospitality creates, or could be perceived to create, an obligation, and whether a reasonable person might think that your acceptance of hospitality could influence your judgement in relation to a regulatory or other decision. It could be unwise, for example, to accept hospitality from prospective contractors or suppliers to the Commission. You are not permitted to accept hospitality that might generally be regarded as unduly lavish, such as preferential access to cultural or sporting events.
63. If you have any doubts about issues around giving or receiving hospitality, you should speak with the Governance Team in the first instance. No gift or hospitality should be accepted if it would place you under any obligation, or compromise you in any way, or if it might appear to do so. To be clear, a subsequent offer to pay for any such gift or hospitality does not put right the situation if you should not have accepted in the first place. Whether or not your actions would be acceptable in another sector is not a material factor.

Third party invitations and services

64. With widespread use of database software and bulk mailing lists, it is likely that whenever you attend a conference or other event, you will subsequently receive invitations from marketing or public relations firms about further events or services.
65. Licensees and trade bodies will often use such companies to handle engagement and promotional activity. You should treat such third party invitations with caution, as they may in fact be for sales events or involve industry-sponsored hospitality, where it would not be appropriate for you to attend.
66. Where the Commission has interest in attending an event, this will be coordinated centrally by the Communications Team. When you receive an invitation and you are unsure whether the Commission should be represented at an event, or whether other Commissioners or staff have been invited, you should not accept the invitation until you have checked the position with the Communications Team. The Governance Team can advise on who to speak with.

67. As well as guarding against accusations of impropriety, this also helps ensure coordinated attendance and effective, good value use of resources.

Dealing with the media and speaking engagements

68. The Commission's work regularly features in the media and it is important that media enquiries are handled accurately and consistently. You should pass on any media enquiries to the Communications Team. You should not comment to the media, even in a private capacity, without agreement of the Chief Executive. Remember that your position as a Commissioner might lead to perceptions that any private comments reflect official policy.
69. Care should be taken about invitations to speak at conferences or elsewhere. You should consult the Chief Executive about whether to accept such invitations. Where you do accept speaking engagements, you should ensure you are fully briefed on policy decisions and current issues. You must avoid making public statements on matters where policy has not yet been determined.

Conflicts of interest

70. We recognise that you will have a range of interests outside the Commission. However, you should be aware that how you conduct these interests may give rise to actual or perceived conflicts with your role as a Commissioner.
71. You should ensure that any potential conflicts of interest are identified at an early stage and appropriate action taken to resolve them. If need be, you should discuss the position with the Chairman as soon as possible.

Private interests and public duty

72. As a public office-holder you must uphold the principles of public life and ensure that your behaviour is above suspicion.
73. You must not use information gained in your work as a Commissioner to advance your private financial or other interests, or to advance the interests of other persons. You are reminded that in some circumstances, using information in this way could be regarded as insider dealing and an offence under the Criminal Justice Act 1993. An example of this would be dealing on a regulated market in securities the price of which would be significantly affected if information you have access to were to be made public.
74. You must not participate in the taking of any decision which could affect the value of your private financial or other interests, or the financial or other interests of those to whom you had given investment advice. Such a conflict could result in legal action, against the Commission and against you.
75. You should also consider whether you should disclose the interests of any other persons or organisations (for example, investments by a charity where you are a trustee) where a reasonable person might think that those interests could influence your judgement.

Shareholdings

76. You are not permitted to have direct shareholdings or to trade in companies operating in the gambling industry, whether or not those companies are licensed by the Commission. This restriction extends to your close family. The restriction on shareholding does not include investments through funds where the precise composition of holdings in the fund at a given time is not visible to investors or where investors have no direct control on individual investment decisions.
77. Where you hold shares in third party companies which might bid to supply products or services to the gambling industry, you should consider carefully whether any conflict might arise or be perceived to arise, owing to potential influence over business decisions in the industry. As a broad example, influence over business decisions is less likely with a maintenance or payroll contractor, say, but could be more likely with a computer hardware or data services provider.
78. Where you hold shares in other leisure sector businesses, such as pub chains, hotels or theme parks, you should consider the potential for any interaction with the gambling industry and whether any conflicts might arise.

Business interests and other employment

79. You must not engage in activities which might conflict with the interests of the Commission or which are inconsistent with your position as a Commissioner.
80. You should ensure that your other interests or employment allow sufficient time to deliver your agreed commitment to Commission business. When timing conflicts arise, you should inform the Governance Team as soon as you are aware of this.
81. If, in the course of other activities, you become aware of information which could be material to the Commission's interests, you should inform the Chairman or Chief Executive. This should help to mitigate any potential accusations of impropriety at a later time. You should disclose anything which a reasonable person might think could influence your judgement.

Offers of employment

82. If you receive an offer of employment in or related to the gambling industry you should inform the Chairman as soon as possible. If you intend to pursue such an offer, then it is likely that you will be asked to resign from the Commission.

Acceptance of employment after leaving the Commission

83. You should maintain safeguards against conflicts of interest for six months after you leave the Commission. If you intend to take up employment in or related to the gambling industry earlier than that, you should notify the Chairman, in case of any upcoming regulatory decision affecting your new employer.

Exit requirements

84. On leaving office, you must return all Commission property (including but not limited to documents and software, computer equipment and security passes).