

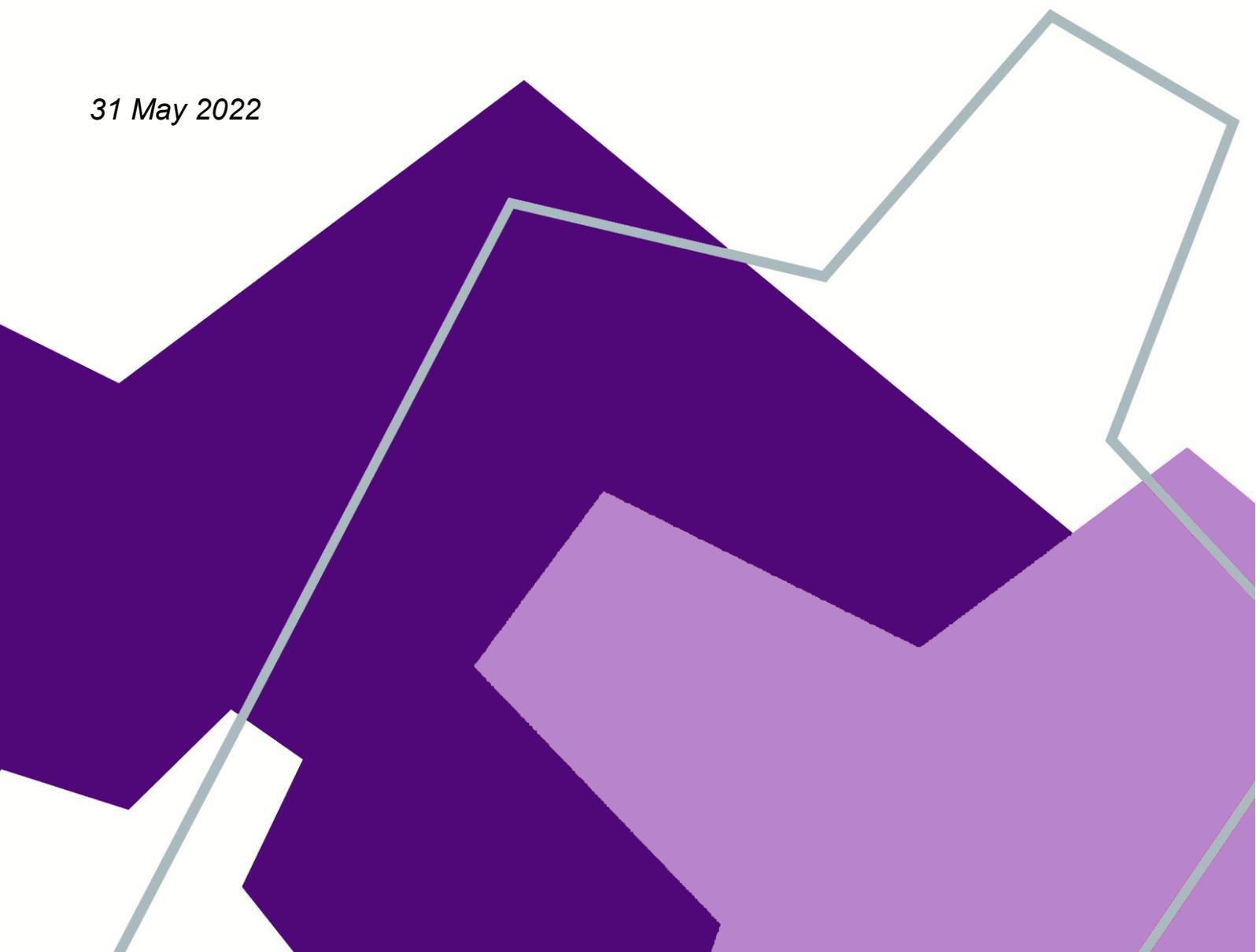


The Scottish Parliament
Pàrlamaid na h-Alba

Conduct: Principles and Rules

Còd Giùlain

31 May 2022



Introduction

The SPCB recognises that as an organisation occupying a high profile and utilising public funds, it is essential that the conduct of its staff is to the highest professional standards of integrity and impartiality and above any criticism or suspicion in terms of propriety in order to maintain public trust and confidence. It also acknowledges its responsibility to protect individual members of staff from any undue suspicion of impropriety.

This Code of Conduct sets out the standards of behaviour required of you as a member of staff in carrying out your role within the Scottish Parliamentary Service and the rules which you must follow in specific circumstances. You should ensure that you are familiar with the Code of Conduct and that you seek guidance from your Head of Office/Group at an early stage if you are uncertain as to what is required of you. This Code is supplemented by Guidance for Managers and Staff which should be read in conjunction with the Code. Professional advice and support are also available as required from the People and Culture Office.

Throughout the Code of Conduct, reference is made to requirements in certain circumstances to seek advice and/or permission from your Head of Office/Group. In the circumstances referred to, staff at Head of Office/Group level and above should seek advice and/or permission from the relevant line manager or the People and Culture Office. The Clerk/Chief Executive should seek advice and/or permission from the Presiding Officer or the SPCB as the Clerk/Chief Executive judges appropriate.

In accordance with the Equality Framework, the SPCB will not discriminate in the application of this Code of Conduct in respect of age; disability; gender; race; nationality; ethnic or national origin; religion or belief; sexual orientation; trade union membership or non-trade union membership.

Scope

This Code of Conduct applies to all members of staff employed by the Scottish Parliamentary Corporate Body.

Contractors' staff, consultants, agency staff and staff on secondment to or on secondment from the Scottish Parliamentary Service are also expected to act in accordance with the values and standards of behaviour set out in this Code.

Values

The SPCB requires its staff to commit to the highest standards of conduct in carrying out our work. These standards are reflected in our values as set out below:

- Stewardship - Focusing on the longer term to ensure we are leaving things better than we found them and putting our shared interests ahead of any individual or team.
- Inclusiveness - Understanding the big picture and seeking out alternative perspectives. Every colleague feels they are able to make a valued contribution and deliver their best work.
- Excellence - Taking care to enhance our reputation in everything we do, and using our skills and resources to deliver high-quality sustainable results.
- Respect - Appreciating difference, building cohesive teams and fostering the values and experiences of diversity.

Policies and Procedures

You are required to comply with the standards of behaviour set out in the SPCB's corporate and employment policies and procedures. These include but are not limited to the:

- Dignity at Work Policy;
- Sexual Harassment Policy;
- Disciplinary Procedures;
- Equality Framework;
- Health and Safety Policy;
- Security Policy;
- Social Media Policy;
- Policy on Substance Abuse; and
- Acceptable Use of IT Policy.

Raising Matters of Concern

If you believe that any wrongdoing, impropriety or malpractice has occurred or is likely to occur within the Parliament, or if you believe you are being asked to act in a way which conflicts with the Code of Conduct, you should normally report this to your Head of Office/Group in the first instance. If circumstances render this inappropriate, you should report the matter to the Deputy Chief Executive or Clerk/Chief Executive with line responsibility for your Head of Office/Group and ultimately to the Clerk/Chief Executive. Where fraudulent activity is suspected, you should also notify the Fraud Response Officer.

The Public Interest Disclosure Act 1998 allows you to disclose certain issues to particular external parties if you have good reason to believe that internal disclosure will not be taken seriously or will cause you to be penalised in some way. Further details and the procedure to be followed in such circumstances are set out in the Public Interest Disclosure Policy.

Breaching the Code of Conduct

Any alleged breach of the Code of Conduct, including causing others to breach it through instruction or negligence, will be viewed seriously and will be investigated in accordance with the Disciplinary Procedure set out in the Staff Handbook. Disciplinary action may result, up to and including dismissal.

Data Protection

Information provided by you in relation to actual or potential conflicts of interests will be processed in accordance with the Data Protection Policy. Access to the centralised Register of Interests is restricted strictly to those who require this information in fulfilling the responsibilities of their job roles.

Monitoring and Review

The SPCB will review and monitor this Code of Conduct on an ongoing basis, taking into account legislative requirements, experience and identified good practice. The internal systems which support fair and transparent organisational decision making are audited on a regular basis.

Conduct: Specific Standards

There are certain specific standards of behaviour which you must uphold and rules which apply in particular circumstances. These are designed to reflect the unique context in which staff within a Parliamentary Service operate in their day to day work and relate to:

A - Managing Information and Expressing Views

Freedom of Information and Data Protection

The SPCB is committed to openness and transparency. It routinely makes a wide range of information available to the public to increase understanding of how it fulfils its functions, makes decisions and uses public funds. You should be aware, therefore, that information which you process may be released to individuals or the wider public in accordance with this commitment in line with the Freedom of Information (Scotland) Act 2002. Certain information is covered by the exemptions in FOI including personal data which must be safeguarded. You are required to treat all direct and indirect personal information in line with the UK Data Protection Act and UK General Data Protection Regulation 2018. Guidance on freedom of information and data protection is available from foi.officer@parliament.scot and dataprotection.officer@parliament.scot. You must follow the Scottish Parliament data protection policy which is available here: <https://www.parliament.scot/about/information-rights/data-protection/data-protection-policy>.

Confidentiality

In discharging your duty of confidentiality to the SPCB as your employer, you must exercise due care and diligence in handling information to which you have access as an employee. You must not disclose or comment on any information which carries a protective marking to any third party, either internal or external to the Scottish Parliament. In particular, you must not:

- exploit for personal advantage any information obtained in the course of your duties whether or not in the public domain; or
- use such information to seek to frustrate the policies or decisions of the Scottish Parliament or the SPCB.

If you are in any doubt regarding confidentiality of information, you should seek advice from your Head of Office/Group in the first instance. You will find guidance on the protection of documentation in the [Security pages on the Intranet](#).

These obligations continue to apply after the cessation of your employment with the SPCB.

Contact with the Media

You must not make any direct contact with the media or respond to media enquiries in any form (including television, radio, newspaper, e-media) regarding the business of the Scottish Parliament or the SPCB unless:

- such activities form part of the normal official duties of your role; or
- you have express prior authorisation from your Head of Office/Group to do so and the content has been approved by the Parliament Communications Office.

With the exception of national, organisational or branch representatives of a recognised trade union who are discharging their duties as representatives, you are not permitted to discuss concerns relating to your terms and conditions of employment with the media.

If you make an improper, unauthorised or premature disclosure of information to the media or any other third party external or internal to the Parliament, you may be subject to disciplinary proceedings.

Prior permission is not required for participation in media broadcasts or publications which concern you as an individual and have no bearing on your role within the Scottish Parliamentary Service.

You must not, however, take advantage of the access your role as an SPCB employee affords you to media personnel at Holyrood to pursue media coverage on matters of personal interest.

Expressing Views on Work Related Matters

You must not bring the SPCB into disrepute by publicly making any adverse, derogatory or objectionable comments in relation to individuals (whether Members, colleagues or others), political parties or any other organisation. You should be aware that “publicly” includes use of social media and applies regardless of whether or not account settings are private or restricted. In your official capacity, you are not permitted to participate in research survey projects or opinion polls which concern attitudes or opinions relating to political or policy matters. This does not preclude you from participating in research projects where you are simply imparting factual knowledge on the political process.

Unless you have been invited to do so by your Head of Office/Group and/or such activities form part of the normal responsibilities of your job role, you are required to seek permission from your Head of Office/Group to deliver any speeches, presentations or lectures externally in your official capacity and you must obtain their advance approval in relation to the content and any subsequent publication.

You are required to seek permission in writing from the Clerk/Chief Executive to:

- publish or broadcast any personal memoirs relating to work carried out in relation to the business of the Scottish Parliament or the SPCB; and
- publish any articles or materials which you have produced as part of your official duties, copyright of which will be owned by the SPCB in accordance with the Copyright Designs and Patent Act 1988.

These obligations continue to apply after the cessation of your employment with the SPCB.

B - Conflict of Interest

In carrying out the responsibilities of your job role, you are required to act in the best interests of the SPCB as your employer. In doing so, you must ensure that your private interests, whether these are of a personal, financial, political or professional nature, do not impact adversely upon your ability to undertake your official duties responsibly and that you do not put yourself in a position where your actions, decisions and/or independent judgement can reasonably be perceived to be open to improper influence.

Definition

A conflict of interest will arise where you have an interest which may actually compromise or be reasonably perceived to compromise your ability to perform your role within the Scottish Parliamentary Service in an impartial and objective manner (i.e. where your interest provides you with an incentive and your role responsibilities provide you with the opportunity to grant an unfair advantage or disadvantage). It is recognised that actual, potential or perceived conflicts of interest will inevitably occur and that these may arise across all levels of decision making and areas of work. The types of potential conflict of interests which are most relevant in the parliamentary context are generally of a personal, financial, political or other professional nature.

a) Personal Interests

The SPCB recognises that relationships and friendships will naturally develop within the working environment. The majority of these will not give rise to any concern and will therefore be regarded as a private matter and no declaration of interest will be necessary. A conflict of interest will arise, however, if one party in the relationship is professionally in a position where they can grant the other an unfair advantage or disadvantage or can exert improper influence over a decision relating to the other. This might attract perceptions of bias and unfair treatment where you:

- make or significantly influence any evaluative decisions about the other party in the relationship, such as those relating to selection for employment/promotion, pay and grading, performance management, discipline, access to opportunities and resources or the awarding of contracts for goods and services;
- have responsibility for the direct or indirect supervision of the other party; or
- could be perceived to be unable to provide an impartial and even-handed service to all elected Members/parties.

b) Financial Interests

A financial conflict of interest may arise where it could be perceived that you (or someone with whom you have a personal relationship):

- have the opportunity to gain financially from your decisions or actions;
- have financial interests which may influence your independent judgement and integrity in carrying out your role;
- have the opportunity to gain from the award of a particular contract for goods or services; or
- have been declared bankrupt and your financial status makes you more vulnerable to situations which could be seen to compromise your official position.

Interests of a political and professional nature are covered in Sections C and D respectively.

It is important to note that a conflict of interest may arise even if no inappropriate actions result from it. This would apply where it could reasonably appear that you could be influenced or be open to influence in your decisions and actions on account of a private interest. Perceptions of impropriety have the potential to seriously undermine the reputation of the Scottish Parliament. The risks associated with actual or potential conflicts of interest are such that careful identification, monitoring and management are required.

Declaration of Interests

In order that potential risks can be mitigated through appropriate action and to protect you and the organisation from perceptions or accusations of impropriety, you have a duty to declare any actual or potential conflict of interest or any circumstances which might reasonably give rise to perceptions of a conflict of interest, to your Head of Office/Group. Where your conflict of interest may impact on your role in the recruitment or promotion of staff, you should also declare it to the Chair of the relevant Board. You should make the declarations at the time the conflict first arises or as soon as you recognise that a conflict might reasonably be perceived. You should follow up an oral declaration of interest in writing and inform your Head of Office/Group if there are subsequent changes to your circumstances.

In the majority of situations, a written declaration of interest will be all that is required. In certain situations, however, the actual, potential or perceived conflict of interest will require to be managed. Appropriate management of the conflict of interest may involve asking you to:

- withdraw from discussions or decisions relating to particular matters;
- withdraw from involvement in particular projects;
- refer certain decisions to others; and/or
- agree changes to line management arrangements.

If you need guidance, for example, in terms of identifying if an interest could give rise to a conflict or whether an existing declaration requires to be updated, you should normally discuss this with your Head of Office/Group in the first instance. Professional advice and guidance should be obtained from the People and Culture Office.

Central Register of Interests

The SPCB holds a central register of interests which records interests of a financial, political or professional nature which have been declared by SPCB staff to their group head (or, in the case of group heads, to the Clerk/Chief Executive or Deputy Chief Executive). Personal interests such as family or other close relationships will not be recorded in the centralised register. Except in relation to Leadership Group interests, the register of interests is held by the People and Culture Office and access to it is restricted. It is maintained regularly and updated as appropriate. The interests of SPCB staff who are part of the Scottish Parliament's Leadership Group which are recorded in the register of interests are also [published on the Scottish Parliament's website for transparency reasons](#).

C - Participation in Political Activities

In fulfilling your responsibility to serve all elected Members equally and impartially, it is essential that the Scottish Parliament and the public have confidence that your personal political beliefs and opinions will not affect the discharge of your official duties. The following rules have been established to ensure that you have the greatest possible freedom to participate in public affairs without infringing this fundamental principle.

You may not take part in national political activities which are defined as:

- announcement of your candidature for the Scottish Parliament, House of Commons, the National Assembly for Wales, the Northern Ireland Assembly or the European Parliament - you should also refer to sections B and D in relation to applying to become a candidate;
- holding office (other than membership) in a party political organisation which impinges on party politics in the field of the Scottish Parliament, House of Commons, the National Assembly for Wales, the Northern Ireland Assembly or the European Parliament;
- canvassing in person or online on behalf of a candidate to the Scottish Parliament, House of Commons, the National Assembly for Wales, the Northern Ireland Assembly or the European Parliament;
- contributing to articles, including expressing personal views relating to debates or issues of national political controversy, whether for print or electronic publication, for example, in online blogs, social media, newspapers, journals or books; and
- speaking in public whether in person or online on political matters of national significance where it would reasonably be expected that you would be readily identifiable as an SPCB employee.

You may seek permission from your Head of Office/Group to participate in local political activities which are defined as:

- announcement of your candidature for a local authority;
- holding office (other than membership) in a party political organisation which impinges on party politics in the local area;
- canvassing in person or online on behalf of a candidate for election to local authorities or local political organisations;
- contributing to articles, including expressing personal views relating to debates or issues of local political controversy, whether for print or electronic publication, for example, in online blogs, social media, newspapers, journals or books; and
- speaking in public whether in person or online on political matters of local significance where it would reasonably be expected that you would be readily identifiable as an SPCB employee.

You should exercise caution in terms of personally participating in political activities which fall outwith the defined activities specifically set out above and you should seek express permission from your Head of Office/Group before taking part. Examples might include:

- contributing funds directly to a political party (excluding party membership fees);
- applying to be a candidate for a political party for the Scottish Parliament, House of Commons, National Assembly for Wales, the Northern Ireland Assembly or the European Parliament or otherwise undertaking activities that may give rise to the perception that you will be seeking to apply to be a candidate;
- attending or speaking at an event organised by a political party such as a convention, rally, fund-

raising function, demonstration or protest, or participating in online events such as webinars; or
- developing promotional material on behalf of a political party or candidate.

Permission will not be unreasonably withheld. The specific nature of your role and the degree and significance of contact you have with Members will be key determining factors. Where you are granted permission to participate in a political activity, your interest will be recorded in the centralised Register of Interests as detailed on page 8. Your Head of Office/Group may withdraw permission at any time if this is considered appropriate in the circumstances, for example, if the emphasis of your role changes or if you move to a different job within the Scottish Parliamentary Service.

You may not take part in any party political activity when on duty, or within the parliamentary campus. In addition, you should not in your official capacity accept invitations to seminars, conferences or online events convened by, or under the auspices of, party political organisations.

You must take care to ensure that in carrying out the responsibilities of your role, you do not provide assistance to Members which could reasonably be perceived to concern matters which are party political in nature and/or not directly related to the work of the Scottish Parliament. Any request for assistance of this nature should be politely declined and you should report the matter promptly to your Head of Office/Group.

Elected trade union representatives are able to comment on political matters when representing the legitimate interests of their members, providing it is made clear that these views are being expressed in their official capacity as a trade union representative. Members of staff may participate in activities organised by their trade union.

Outside Influence

You must not seek to bring any outside influence, political or otherwise, to bear in any way which would bring you personal advantage. You must not seek to garner the support or influence of any Member of the Scottish Parliament on any issue relating to your employment with the SPCB. You are not permitted to seek to garner the support or influence of any Member of the Scottish Parliament on any issue of personal interest whilst acting in your official capacity as an SPCB employee. This does not preclude you from approaching your constituency or regional Member on personal interests or other matters through normal channels of correspondence and surgeries or seeking support from your trade union. Neither does this preclude elected Trade Union representatives acting in their official capacity from discussing employment issues on behalf of their members with the SPCB as employer.

D - Participation in Additional Activities or Employment

The SPCB recognises the potential benefits to be gained from staff participation in outside activities including but not exclusive to additional employment (including self-employment); career development initiatives involving transferable skills; or voluntary, community and charity work. You are generally permitted to engage in activities outwith the duties of your role within the Scottish Parliamentary Service without seeking prior authorisation, providing that the activity concerned does not:

- require attendance at times which conflict with your normal pattern of work at the Parliament*;
- have the potential to conflict with the duties of your role or the interests of the Scottish Parliament or SPCB, for example, if the work is connected with your official duties or the --employer/ organisation concerned has a contractual or other relationship with the SPCB;
- identify in any way with a political party, group or organisation;
- have the potential to bring the SPCB into disrepute; and/or
- require use of parliamentary resources, including the use of official information or your official designation as an employee of the SPCB.

* Provisions are made to allow members of staff to participate in particular activities including specific public duties during normal working hours. Further details are set out in the Special Leave Policy.

If the activity does fall within the circumstances described above, you must seek prior permission in writing from your Head of Office/Group. Permission will not be unreasonably withheld. Where you are granted permission to undertake additional employment or activity, your interest will be recorded in the centralised Register of Interests as detailed on page 8. Permission granted may subsequently be withdrawn by your Head of Office/Group if this is considered appropriate in the circumstances.

E - Acceptance of Gifts and Hospitality

In your official capacity as an SPCB employee, you must not offer, promise or give a gift, hospitality or other benefit to a third party which may be perceived as inducing that person or organisation to perform a relevant function or activity improperly. If you are in any doubt, you should seek guidance from your Head of Office/Group before proceeding.

You must exercise particular care in relation to the acceptance of gifts, hospitality or other benefit from any member of the public, Member of the Scottish Parliament or any individual or organisation with whom you have been in contact through your official duties. This is due to the potential risks of creating a perceived obligation to the giver and of others perceiving such to influence your advice and/or decisions.

You must not accept gifts and/or hospitality with an estimated value of £50 or more, without the express approval of your Head of Office/Group. If the refusal of such a gift is likely to cause offence to the giver, for example, for cultural reasons, you should discuss the facts immediately with your Head of Office/Group. Isolated gifts of a modest or promotional nature (for example, a diary, calendar, confectionery, pen or key-ring) or modest hospitality such as a working lunch may be accepted without approval provided that this is not a regular occurrence.

The People and Culture Office keeps a central Register of Gifts and Hospitality. Where the estimated value of a gift or hospitality is in excess of £50, details must be reported by the relevant Head of Office/Group to the People and Culture Office. Details should be provided in terms of the nature of the gift or hospitality, the giver, the relationship between the giver and recipient, the reason it was given, the estimated value and the Head of Office/Group's decision on acceptance.

Conduct: General Standards

General Standards of Behaviour

You have a responsibility to:

- undertake your duties and responsibilities to the best of your abilities, acting in accordance with all legitimate and reasonable management instructions;
- conduct yourself in your day to day work with the highest standards of honesty, integrity, impartiality and professionalism, consistent with the values of the Scottish Parliamentary Service;
- protect information which is held in confidence and avoid misuse of any information which you are party to in fulfilling your duties;
- ensure that your impartial judgement and integrity are not compromised or seen to be compromised by any personal, financial, political or other professional interests you may have, by views you express publicly or by the offering or acceptance of gifts, hospitality or other benefits to or from a third party;
- be as open and honest as possible about decisions and actions you take and be prepared to give reasons for your decisions;
- ensure that the nature of any activities you choose to engage in cannot embarrass the Scottish Parliament or bring it into disrepute;
- ensure that you present yourself for work in a way which is appropriate to the environment in which you are working and the type of work you are performing and in a manner which is consistent with the values of the Scottish Parliamentary Service and the standards of behaviour expected of staff;
- comply with this Code of Conduct and all SPCB policies and procedures; and
- report promptly to line management any breaches of this Code of Conduct you become aware of.

Enquiries

If you have any enquiries in relation to the Code of Conduct, please contact the [People and Culture Office](#) on extension 86500.

For further information contact:

PeopleAndCulture@parliament.scot

