



# Commissioner for Ethical Standards in Public Life in Scotland

## CODE OF CONDUCT

Date policy adopted: 01/04/2011

Review frequency: 3 years

Date of last review: 10/02/2016

Date policy must be reviewed by: 28/02/2019

### Introduction

The Code of Conduct sets out requirements and guidelines to define acceptable standards of behaviour. The Code complements the general obligations of good conduct placed on all employees under their contracts of employment.

All staff members are expected to uphold the Code of Conduct when working with or representing the Commissioner. The Code will be explained to all new staff and a copy given to them before they assume any duties.

### Register of Interests

The Commissioner maintains:

- a register of interests for himself and staff members. The Commissioner and staff members must complete a form listing their interests and identifying any actual or perceived conflicts of interest that may arise from these interests with their work for the Commissioner. The form should be completed at least annually and/or within 20 working days of a new interest arising.
- a register of gifts and hospitality listing all such that are offered and accepted.

### Requirements and Responsibilities

As an employee working for the Commissioner you must be, and be seen to be, honest, fair and impartial in the exercise of your duties. You must respect all who have contact with the Commissioner's office and the role they play, treating them with courtesy at all times. You should apply this Code to your informal dealings where you are identifiable as a member of the Commissioner's staff no less scrupulously than in formal business situations.



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You must not allow your judgement or integrity to be compromised in fact or to be reasonably thought to have been compromised. In particular you must not:

- misuse information which you acquire in the course of your duties, or disclose, without authority, information which is held in confidence by the Commissioner, or received in confidence from others
- seek to frustrate the policies, decisions or actions of the Commissioner either by declining to take, or abstaining from, action which flows from the Commissioner's decisions or by unauthorised, improper or premature disclosure of any information to which you have had access
- take part in any party political activity (including campaigning) which compromises your impartial service to the Commissioner
- misuse your official position, or information acquired in the course of your official duties, to further your private interests or those of others. Conflicts of interest may arise from financial interests and more broadly from official dealings with, or decisions in respect of, individuals who share your private interests (for example through membership of societies, clubs and other organisations). Conflicts of interest, or the perception that such conflicts exist, may also arise when the Commissioner or any staff member provides a reference for either an individual or commercial firm. Where a conflict of interest arises, you must declare your interest to the Commissioner so that a decision can be made on how best to proceed.
- act in order to gain inappropriate financial or other material benefit for yourself, family or friends
- accept gifts, hospitality or benefits of any kind from a third party which might be seen to compromise your personal judgement or integrity in relation to the work of the Commissioner
- offer a gift, hospitality or benefit of any kind to a stakeholder, supplier or other person with the intention of gaining a business and/or personal advantage. Where offering a business gift or hospitality is considered appropriate, for example paying for a meal, this should only be offered with the prior approval of the Commissioner.

## Duty and Private Interest - each member of staff will:

- recognise that their overriding duty is to the work of the Commissioner
- avoid doing anything which could not be justified to the Commissioner, the Scottish Parliament, or the public



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- understand that it is not enough to avoid actual impropriety and at all times avoid situations which could give rise to suspicion or the appearance of improper conduct. As a consequence of this, any member of staff must immediately declare to the Commissioner their intentions if they apply for any position or propose to take any action that may be reasonably viewed as giving rise to an actual or perceived conflict. The Commissioner may suspend that individual from their usual duties or contract for the period during which that individual applies for any such position. Specifically, the Commissioner may suspend from normal duties any individual who stands as an MP, MSP, MEP, Local Councillor or political Party Officer and may revoke any contract made with the individual should that individual fail to resign immediately on being elected or appointed
- take work-related decisions solely in terms of the purpose and objectives of the Commissioner and never to gain financial or other material benefits for themselves or others
- avoid giving references for individuals or commercial firms where these set up the potential for an actual or perceived conflict of interest. The Commissioner can delegate the authority to provide references as appropriate. The Commissioner can provide one of two types of reference:
  - where we have substantive information on an individual's or contractor's performance in a role, such as evidence of good or poor performance against a contract or service level agreement, this may be used as content for a reference.
  - where no such information on individuals is held, references may only refer to other factual information held on that individual (such as length of term served)In all cases, no reference can be provided unless the person providing it has consulted the Commissioner on the content.

## Personal Interest - each member of staff will:

- disclose precisely any direct or indirect financial interest or any other interests which are not financial but which might influence judgement or give the impression that the person was acting for personal motives. Any person declaring such an interest will withdraw from any actions or meeting in which such matters are relevant
- ensure that private or personal financial interests never influence decisions and that any position within the organisation is never used for personal gain



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- ensure that no special advantage is gained by virtue of their position, by using the services of a consultant, contractor, professional advisor or other individual or firm that works for the Commissioner. If it is intended to use the services of any such body or individual, the arrangement should be declared to the Commissioner before the transaction takes place

## Use of Confidential and Private Information – each member of staff will:

- ensure that confidential information, acquired as a result of their position with the Commissioner, is not disclosed to anyone other than those who have the right to the information (see the Confidentiality Policy for further information).
- ensure that such confidential information is not used for the personal advantage of themselves or others known to them.

## Gifts and Hospitality – each staff member will:

- not accept any offer by way of gift or hospitality which could give rise to a reasonable suspicion that they might be influenced as a member of the Commissioner's staff to show favour, or disadvantage, to any individual or organisation
- decline to accept such gifts other than those which are obviously modest, including seasonal gifts like a calendar or diary, or whose refusal might reasonably be anticipated to cause offence
- consider whether there may be a reasonable perception that any such gift received by their spouse or partner or by any company in which they have a controlling interest, or by a partnership of which they are a partner, can or would influence their judgement
- treat with caution any offer of gift, favour or hospitality made to them personally and ensure that they discuss the offer with their line manager.
- refuse hospitality other than normal hospitality associated with their duties, such as a working lunch when representing the Commissioner at an official event.
- record gifts and hospitality accepted on the register set up for that purpose.

## **Breaches of this Code**

Instances of material non-compliance with this Code will be taken extremely seriously and may lead to disciplinary action and/or termination of any contract between the Commissioner and the individual/s concerned.