



The Scottish Parliament
Pàrlamaid na h-Alba

Review of the Code of Conduct

14 March 2022

Reference: LG (2022) Paper 022

Executive Summary

1. The Code of Conduct (the Code) provides clarity of the standards of behaviour expected of Scottish Parliamentary Service (SPS) staff. It recognises that the Scottish Parliament has a high profile and that the public rightly expects the highest professional standards of integrity and impartiality from SPS staff. The Code seeks to ensure that SPS staff:
 - serve all elected members equally;
 - deliver consistently high-quality services and
 - provides impartial, balanced and evidence-based information.
2. In light of the expected issues Parliament will deal with both constitutionally and societally in session 6 there is a need to refocus and strengthen the Code to address the importance of impartiality as part of our culture and behaviours. The Code as it is [currently presented can be found on the staff handbook](#).
2. The revamped Code as a word document can be found at Annex A. While there have been no fundamental changes to the content of the Code, it has been strengthened to support colleagues to develop a better understanding of their contractual duties under the Code.
3. The purpose of this paper is to present the revamped Code and to initiate discussions around the proposed framework for bringing the Code to life. This approach and supporting framework are captured in paragraph 9.
4. The revamped Code will provide clarity while affording staff the greatest possible freedom to participate in public affairs without undermining our duty of impartiality.

Issues and Options

5. A working group was established to review the Code to identify opportunities to provide clarity where there are potential conflicts between a colleagues'

personal background, beliefs and views and the interests of the SPCB as their employer. The remit of the group is at Annex B.

6. In society, there is an increase in direct participation moving away from traditional party politics to issues and causes, such as climate change, sovereignty and self-determination and gender identity. Through its committee and engagement activities, Parliament is responding to this by continually looking for new ways to make the democratic process more relevant, accessible and open.
7. Whilst this is a positive development there may be times when our staff are exposed to situations that they may find personally traumatic, for example, inquiries into child sexual abuse or bullying. This, in turn, can interfere with colleagues' emotional and mental wellbeing. The issue here is we don't want to put colleagues at risk – and the balance being where the work we support in Parliament might conflict with personal belief and where this puts colleagues at harm.
8. Internally, we are increasing the diversity of our staffing group and encouraging colleagues to be open about their own experiences and identities. For example, we have set up peer support through our diversity networks, bringing together people with lived experiences to discuss issues, identify barriers and solutions.
9. As such, whilst the Code covers party politics there's a need to inform discussions which include politics of issues, identities and causes.

Proposed Framework

10. Rather than including possible scenarios within the Code, it is recommended the Code be brought to life through regular conversations within groups and teams. This will allow teams to learn from each other and strengthen judgement in application of the Code. To this end, it is recommended that a reference group be set up by the Head of People Services, Diversity and Inclusion. This group will identify scenarios linked to parliamentary business, current affairs and societal issues that may impact on our work. This will help increase awareness of the nature and types of conflicts that can arise and to provide practical advice and guidance to managers and staff about ways of resolving dilemmas or potential conflict.
11. These scenarios will then be used to facilitate discussions within groups and teams through structured briefing packs and workshops. This is a critical aspect to make sure the Code is well understood and to build capacity to work within the Code. This will encourage respectful discussion, recognising diversity and an understanding that there is not necessarily one correct response or outcome. It will also encourage open dialogue to identify potential conflicts of interest and disclosure and management of risk to support wellbeing.

12. As part of our push for performance management and to continually raise awareness, it is also proposed that a corporate objective is created to capture understanding of the Code. This will facilitate the ongoing dialogue of what the Code means in practice. This objective will be coordinated by People and Culture and completion rates reported through the workforce dashboards.
13. Mandatory training is already identified in the strategic risk register, with Lorna Foreman and Lynsey Hamill assigned to address the risk identified. Mandatory training on anti-bribery and corruption will also be taken forward under this activity

Governance

14. An Equality Impact initial screening exercise has been carried out. There is no indication that compliance with the Code would have a disproportionately negative impact on any particular protected group as set out in the Equalities Act 2010. The need to ensure that personal views do not affect the discharge of our official duties is applied equally.

Resource implications

15. There are no resource implications identified at this stage.

Communications

16. We will share the revamped Code with our TUS partners.

Publication Scheme

17. This paper should be published in line with the SPCB's Publication Scheme.

Next steps

18. When in post, the Head of People Services, Diversity and Inclusion, will establish the reference group, seeking early input from the working group currently tasked with looking at the GRA and the challenges this entails.
19. We will work with PCO colleagues to ensure the revamped Code is fully accessible (including BSL and Gaelic interpretation) and published and communicated with staff.
20. Separately, SPCB has decided that the register of interests of LG members be published on the website. This will be published at the same time as the revamped Code.
21. We will then invite LG members to [provide declaration using this form](#).

Decision

22. LG is invited to discuss and agree the revamped Code and the proposed framework for bringing the Code to life. To inform LG discussion we will present some of the scenarios that have been raised through the working group.

People and Culture Office

14 March 2022

Welcome to our Code (content page)

This code is a guide and reference point for us all. It explains how we work, live up to our values and do the right thing when we have to make decisions.

What's inside:

Foreword from David McGill, Clerk/Chief Executive

(section 1) About the Code: Read this section to find out what the Code is, why we need it and how to use it effectively

What the code is for

How to use the code

(Section 2) Doing the right thing: Use this section to find out how you can live our values, make the right decisions and raise any concerns you have at work

Living our values

Making the right decision

How to raise a concern

(Section 3) – Acting responsibly: Use this section to find out about our workplace culture and how to consider our impact on colleagues, our environment and society

- Our workplace culture
- Behaviour at work
- Health, safety and wellbeing
- Handling disputes and grievances
- Performance and development
- Managing information and expressing views
- Avoiding conflicts of interest
- Taking part in political activities and additional activities or employment

- Declaration of interests
- Central register of Interests
- Gifts and hospitality

Look out for:

Useful lists of policies, procedures and other information

Foreword from David:

On behalf of Leadership Group, I am pleased to share the Code of Conduct (the “Code”). The Code sets out our standards of behaviour and conduct to which we are all expected to adhere.

At the Scottish Parliament, we aim to be an inclusive employer, and an organisation which makes a positive difference to the people of Scotland. In order to achieve our ambitions, we need to ensure that we adhere to the highest standards expected of the Parliament, both as a public funded body and one that exists to serve the people of Scotland.

This means we must ensure we all operate with the highest professional standards of integrity and impartiality, in line with our organisational values to maintain public trust and confidence.

Our Code is intended to help provide this clarity by bringing together in one place the essential standards of behaviour that guide our individual actions. These are wide ranging so it's important that we make ourselves familiar with the Code. The ultimate aim of the Code is to help each of us to make the right decisions about our conduct and behaviour every day. The Code encourages us to speak up and challenge. This helps to unite us as a force for positive change. We must live the Code every day and in every interaction, inspiring others to follow.

Section 1: About the Code (opening page)

What is the Code

Why do we need it

Who's it for and how should you use it

What the Code is for

This Code is a guide and reference point for us all. It explains how we work, live up to our values and do the right thing when we have to make decisions.

“Our Code provides the clearest guidance about how we all have a shared obligation to deliver our values” – LG quotes

Who the Code is for

The Code is for all staff employed by the Scottish Parliamentary Corporate Body (SPCB). Contractors' staff, consultants, agency staff and staff on secondment to or from the Scottish Parliamentary Service (SPS) are also expected to act in accordance with these standards of behaviour, and in line with our values, as set out in this Code.

Why do we need it

We are a political organisation and have democratically elected MSPs who set our policies and govern our services. Like our elected MSPs we are accountable to the people of Scotland at all times.

We need the Code because:

- It sets out our responsibilities to operate with the highest professional standards of integrity and impartiality
- It provides clarity about what doing the right thing involves in any situation. And emphasises our responsibility to always do so
- It explains the consequences of not doing the right thing and not complying with the Code
- It explains how we can work in support of our values, our strategies and all relevant policies, procedures and standards
- It demonstrates that we're a responsible, inclusive organisation existing to make a positive difference to the people of Scotland

What the Code does

This Code provides a framework to support you in making decisions around our behaviours and action as a public official. It provides clarity by bringing together the essential standards of behaviour that guide our individual actions. The Code is reviewed on an ongoing basis to make sure it's relevant and covers all aspects of our operations. If necessary we will make changes and additions to it. Our internal systems which support fair and transparent organisational decision making are audited on a regular basis.

In accordance with our [dignity and mutual respect framework](#), we will not discriminate in the application of this Code in respect of age, disability, gender reassignment, race, nationality, ethnic or national origin, religion or belief, sex, pregnancy and maternity, sexual orientation, trade union membership or non-trade union membership.

If you have any questions in relation to the Code, please contact the [People Services office](#).

Living up to the Code

The Code explains what the SPCB expect from you but also many of our legal obligations. We need to demonstrate that we understand these obligations fully by ensuring all colleagues complete mandatory training every year. Living up to the Code means we must:

- Take time to understand the Code and how it applies to each individual role
- Work in line with the Code and values – acting as a positive role model
- Challenge others who don't work in line with the Code and values to do so – and if necessary inform your manager about your concerns

The Code will be brought to life through regular conversations within groups and teams and in the context of the way in which we carry out our work. The delivery of regular sessions for all staff is critical to make sure the Code is well understood and to build capacity to work within the Code. The sessions aim to increase awareness of conflicts and provide practical ways of resolving dilemmas or potential conflict. This will encourage respectful discussion, recognising diversity and an understanding that there is not necessarily one correct response or outcome.

Failing to follow the Code

Non-compliance with the Code or any of our policies is a serious matter, regardless of the reasons why it happened. Non-compliance can result in disciplinary action, including dismissal, and even criminal prosecution. Sometimes colleagues don't do the right thing. This might be on purpose but is often because they misunderstand the Code. Or believe that other priorities mean they can 'bend the rules', for example to meet a tight deadline. If you fail to comply with the Code because you don't understand it, then you'll be supported to increase your understanding and awareness.

How to use the Code

The Code is to be used as a guide whenever you are unsure about what doing the right thing means. [A decision-making tool](#) (link to page 9) is available to assist you in applying the Code when in doubt.

Throughout the Code, reference is made to the requirement to seek advice and/or permission from your Head of Office/Group. Staff at this level or above should seek advice and/or permission from the relevant manager or the [People Services office](#). The Clerk/Chief Executive should seek advice and/or permission from the Presiding Officer or the SPCB as appropriate.

Section 2 Doing the right thing:

Living our values

Standards of behaviour

Making the right decision (decision making tool)

How to raise a concern

Living our values (

At the Scottish Parliament, our strategic vision, and the underlying goal of all our work is to *make a positive difference to the lives of the people of Scotland*. Our [People and Culture Strategy](#) puts people at the centre of everything we do. Our approach requires each of us to value people with different backgrounds, perspectives and experiences and demonstrate this commitment in our daily activities. This includes being professional at all times, treating colleagues and those around us with respect and taking responsibility for our own behaviour and actions.

[Our values](#) are embedded across the business and are core to how we all do our work. They're at the heart of how we realise our shared vision and are consistent with our key principles of openness and transparency.

The behaviours set out below help to define each of our values, explaining how we can bring them to life and setting out our expectations of each other:

- ◇ 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

Standards of behaviour

Our ability to achieve our vision relies on our living to the highest standards of integrity, impartiality and professionalism and thereby maintaining public trust. Collectively we aspire to set an example of best practice in public service. Therefore, complying to our Code is not simply about observing the letter of requirement in our policies, *it is about understanding and embracing our values, principles and spirit behind the Code.*

This means that you have 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
- 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. This is underpinned by the Anti-bribery and Corruption policy and training for relevant staff.
- 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 our values and the standards of behaviour expected of staff
- comply with the Code and all SPCB policies and procedures
- report promptly to management any breaches of this Code you become aware of

Making the right decision

Use this decision-making tool to help you decide to do the right thing if you're ever in doubt

Ask yourself:

Does it go against any of our policies, procedures or practices?

Yes? Talk to your manager or office head/team leader or a subject matter expert in the first instance

No? Then proceed to next question

Does it support our values?

No? Then it's probably not something that will enhance the reputation of the Parliament, and perhaps even damage it. Check with your manager or office head/team leader

Yes? Then proceed to next question

Are you happy to justify taking this action to your colleagues, manager and family?

No? If it would be hard to justify and would make you uncomfortable or embarrassed then it's probably not the right thing to do.

Yes? Then proceed to next question

Does it set a good example to your colleagues or people you know?

No? Think about the consequences of colleagues or other people you know doing this. If it's not right for them, it's probably not right for you.

Yes? Then proceed to next question.

Is it legal?

No? Talk to your manager or office head/team leader right away.

Yes? Then proceed to next question. But bear in mind that our standards go beyond what is legal

Would you be happy if other people knew about the action you've taken?

No? This probably puts the reputation of the Parliament at risk – so don't do it and talk with your manager or office head/team leader.

Yes? Then it's probably ok to do this. But have a chat with your manager or office head/team leader for advice.

Speaking up and how to raise a concern

What should you do if you suspect something you've seen or heard about is unsafe, unethical, unlawful or not in line with the Code or any relevant policies?

You should speak up so that it can be investigated as soon as possible. Please don't wait until something goes wrong before acting. There will be no negative consequences even if your concerns turn out to be unfounded.

You can raise concerns in the following way:

- Ask your manager for guidance
- Talk to your office head/team leader or group head
- Raise with the Deputy Chief Executive or Clerk/Chief Executive
- If fraudulent activity is suspected, 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 are set out in the [Public Interest Disclosure Policy](#).

(Section 3) – Acting responsibly For us this means always considering our impact on fellow colleagues, our environment and society

- Our workplace culture
- Behaviour at work
- Health, safety and wellbeing
- Handling disputes and grievances
- Performance and development
- Managing information and expressing views
- Avoiding conflicts of interest
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- Declaration of interests
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Our Workplace Culture

The Scottish Parliament strives to provide an environment that is inclusive and welcoming to all, recognising that people perform better when they can be themselves at work. By understanding and valuing difference, we build trusted relationships at work in which every individual feels included, valued, and empowered to be their best.

This means that:

- We treat everyone fairly and with respect, recognising the value that a diverse, inclusive team brings
- We are all responsible for creating the environment we work in – each of us can make sure that it is inclusive and welcoming for everyone
- Our commitments on diversity and inclusion ensure that the Parliament can truly reflect the diversity of Scotland's communities.

Behaviour at work

It is our aim to provide a workplace which is free from discrimination, harassment, bullying or victimisation. We take a zero-tolerance approach to discriminatory behaviour in any form.

This means that:

- All staff have the right to be treated with respect at all times and the organisation is committed to eliminating any form of workplace bullying and harassment and any unlawful and unfair discrimination
- We treat others as they would like to be treated and always with consideration, respect and fairness
- We want all staff to perform to the best of their abilities
- We also speak up if we see any kind of non-inclusive language and behaviours, including harassment or bullying

All staff should be treated and should treat others with respect. We must all assist the organisation to meet its commitments to provide equal opportunities in employment and avoid unlawful discrimination. Staff can be held personally liable, as can the organisation, for any acts of unlawful discrimination.

Support will be provided to staff who feel they are being bullied, harassed or discriminated against. Staff are encouraged to raise any concerns with their manager. The [Dignity and Mutual Respect Policy](#) sets out our approach; our legal obligations, and the procedures on how to raise a concern.

Health, safety and wellbeing

The health and wellbeing of our staff is a priority for the Scottish Parliament, and an integral part of our culture and values. Accessible wellbeing support and guidance ensures a safe and psychologically sound environment, underpinned by mental, physical, and financial wellbeing. We provide access to professional health advice; an independent employee assistance programme and a range of tools supporting physical and mental wellbeing. Have a look at our [Positive about Mental Health and Wellbeing Policy](#) and [Guidance for Managers](#) and the other resources available on the [intranet](#). Our people policies also support colleagues and managers to collaborate, converse and find solutions when needed, to ensure the right outcome.

Given the complexities of our environment, a number of workplace factors can impact on staff. The SPCB, as the employer, has a role to identify, minimise and address these factors. If there is ever a situation where you feel your health, safety or wellbeing is being compromised you should raise this with your manager. Your manager will consider the nature of the issue and look to take the necessary steps to minimise risk. Actions might include:

- [Accessing our Employee Assistance Programme \(EAP\)](#)
- 1:1 or group/team counselling support
- Removal from the situation (opting out with no repercussions)
- Referral to our occupational health service (as appropriate)
- Reasonable adjustments (as appropriate)

This means that:

- We work together to maintain colleague wellbeing and identify support when colleagues need it
- We think about the potential impact on wellbeing in the work that we do, the way we work, and the places that we work

- Responsibility for taking reasonable care of personal health, wellbeing and safety is shared between colleagues and their manager.

Handling disputes and grievances

The Scottish Parliament has [robust policies and procedures in place for addressing disputes and grievances](#).

This means that:

- We ensure we know what our rights at work are and that our policies seek to promote fairness for all, providing necessary support to manage the issues we may face at work
- We consult and engage fellow colleagues about issues that have an impact on them.

Performance and development

All staff are encouraged to be their best by performing and developing against key objectives. Staff know how they're performing and developing through regular conversations with their manager and ongoing feedback. Managers support staff by providing feedback on performance and how they live the values and behaviours. Managers know their staff the best and are best placed to offer this feedback. Where staff aren't performing at the required standards, their manager supports them to get back to their best.

This means that:

- We know the way we're managed is fair and transparent. With regular feedback relating to our efforts, development and doing the right thing, in the right way.

Managing information and expressing views

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.

Information which you process may be released to individuals or the wider public in accordance with this commitment and 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 FOI 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.](#)

Protecting and handling confidential information

We expect all staff to act in a professional, ethical, and sensitive manner when dealing with confidential information, ensuring privacy and confidentiality is maintained. 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 a staff member. 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
- 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 office head/team leader or group head. You can also find guidance on the protection of documentation in the [Security pages on the Intranet](#).

These obligations continue to apply after you leave your employment with the SPCB.

Contact with the media

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

- such activities form part of the normal official duties of your role
- you have express prior authorisation from your office or group head to do so and the content has been approved by the Parliamentary Communications Office (PCO).

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

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

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 SPS. You must not, however, take advantage of the access your role as an SPCB staff member 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 MSPs, fellow colleagues or others), political parties or any other organisation. “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 stop you from participating in research projects where you are simply imparting factual knowledge on the political process.

You are required to seek permission from your office head/team leader to deliver speeches, presentations, or lectures externally in your official capacity. You must obtain their advance approval in relation to the content and any subsequent publication. This is unless you have been invited to do so by your office head/team leader and/or such activities form part of the normal responsibilities of your job role.

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 you leave your employment with the SPCB.

Conflict of Interest

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 SPS in an impartial and objective manner. In other words, where your interest provides you with an incentive and your role and responsibilities provide you with the opportunity to grant an unfair advantage or disadvantage.

Of course, 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 financial, political, personal or other professional nature.

Financial interests

Financial conflict of interest may arise where it could be perceived that you (or someone you have a personal relationship with, including close family members):

- 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
- have been declared bankrupt and your financial status makes you more vulnerable to situations which could be seen to compromise your official position

Political interests

In fulfilling your responsibility to serve all elected MSPs 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 points 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, Welsh Parliament or the Northern Ireland Assembly
- holding office (other than membership) in a party-political organisation which impinges on party politics in the fields of the Scottish Parliament, House of Commons, or the Welsh Parliament, the Northern Ireland Assembly
- canvassing in person or online on behalf of a candidate to the Scottish Parliament, House of Commons, the Welsh Parliament, or the Northern Ireland Assembly
- contributing to articles, including expressing personal views relating to debates or issues of national political controversy, for example, in online blogs, social media, newspapers, journals or books
- 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 group head 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, for example, in online blogs, social media, newspapers, journals or books
- 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 staff member.

You should exercise caution in terms of personally participating in political activities which you think fall out with the defined activities specifically set out above. You should seek express permission from your group head 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, Welsh Parliament or the Northern Ireland Assembly 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
- 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 MSPs 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. Your group head may withdraw permission at any time if this is considered appropriate in the circumstances. This might happen if the emphasis of your role changes or if you move to a different job within the SPS.

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 MSPs 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 to your office head/team leader.

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.

Professional interests

Professional interests which require to be registered are those which involve participation in additional activities or employment which:

- require attendance at times which conflict with your normal pattern of work with the Scottish Parliament
- have the potential to conflict with the duties of your role or the interests of the Scottish Parliament. For example, if the work is connected with your official duties
- identify in any way with a political party, group, or organisation
- have the potential to bring the SPCB, as your employer, into disrepute
- require the use of parliamentary resources (including official information)

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 do not impact adversely on your ability to undertake your official duties responsibly.

This means 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
- you don't get into situations where your own personal interests conflict with the SPCB, for example personal, social, financial, or political activities.
- if there is a possibility of any conflict of interest you disclose this as soon as possible.
- you never use information acquired as part of your work inappropriately for your own personal benefit.

Taking part in local and national political activities

Of course, it is recognised that colleagues may wish to actively participate in public life through different means. You should always exercise caution in terms of politically participating in activities of a political nature. In every situation, use your judgement to assess whether this falls within the remit of the Code. If you're not sure, please discuss with your manager or speak with colleagues in [the People Services office](#).

Taking part in additional activities or employment

It's recognised that there are a number of benefits from taking part in additional outside activities or employment. This might include:

- additional employment (including self-employment)
- career development initiatives
- voluntary, community and charity work

You are generally permitted to engage in activities out with the duties of your role without seeking prior authorisation, providing that the activity does not:

- require attendance at times which conflict with your normal pattern of work. Certain activities are exempt, including specific public duties. Have a look at the [Special Leave policy](#) for further details.
- 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
- require use of parliamentary resources, including the use of official information or your official designation as an employee of the SPCB.

If the activity does fall within the circumstances described above, you must seek prior permission in writing from your group head. 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. This permission may subsequently be withdrawn by your group head if considered appropriate in the circumstances.

This is also a good opportunity to reiterate the importance of our values here: inclusiveness means welcoming diverse viewpoints. But personal beliefs should always be expressed with respect for potential differences of opinion held by others. However, you should not impose your personal beliefs or opinions on other colleagues or represent your personal opinions as those of the Scottish Parliament.

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 MSP on any issue relating to your employment with the SPCB.

You are not permitted to seek to garner the support or influence of any MSP on any issue of personal interest whilst acting in your official capacity as an SPCB employee. This does not prevent you from approaching your constituency or regional MSP on personal interests or other matters through normal channels of correspondence and surgeries or seeking support from your trade union. Neither does this prevent elected Trade Union representatives acting in their official capacity from discussing employment issues on behalf of their members with the SPCB as employer.

Declaration of Interests

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 group head. In the majority of situations, a written declaration of interest will be all that is required. In other situations 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 management arrangements

Perceptions of impropriety have the potential to seriously undermine the reputation of the Scottish Parliament. We maintain organisational and systems-related arrangements and take other measures to help avoid, minimise or mitigate potential conflicts. Conflicts can be nuanced and in dealing with potential conflicts, you should act with integrity and use good judgement in a manner consistent with this Code and our policies and discuss with your group head or the [People Services 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. The register is held on a restricted basis and is maintained regularly and updated as appropriate. The central register of interests for SPCB staff who are members of the [Scottish Parliament's Leadership Group is published here in the interests of transparency](#).

Information provided by you in relation to actual or potential conflicts of interest will be processed in accordance with [the Data Protection Policy](#). Access to the Register of Interest is restricted to those who require this information in fulfilling the responsibilities of their job roles.

Acceptance of gifts and hospitality

In your official capacity as an SPCB staff member, 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 unsure, speak with your office head/team leader before taking forward.

You must also exercise care in relation to the acceptance of gifts, hospitality or other benefit from any member of the public, MSP or any individual or organisation with whom you have been in contact through your official duties. This is a potential risk 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 office head/team leader. 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 office head/team leader. Isolated gifts of a modest or promotional nature (for example, a diary, calendar, confectionery) or modest hospitality such as a working lunch may be accepted without approval provided that this is not a regular occurrence.

The People Services 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 group head to the [People Service 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 group head's decision on acceptance.

Review of the Code of Conduct

Introduction

1. Whilst diversity leads to better outcomes, it also introduces challenges and complexities. This is a common feature of modern workplaces. To respond to this, the SPCB, as an employer, must continually review its policies and practices to reflect societal changes to ensure they remain relevant and provide clarity of purpose.
2. This review will support colleagues to develop a better understanding of their contractual duties under the [Code of Conduct](#) and balance these with their personal beliefs and values. The Code forms part of our terms and conditions of employment.

Background

Parliamentary context

3. The role of Parliament is to facilitate debate and engagement across a wide spectrum of views and must be inclusive of all positions within the law. Political impartiality is a key feature of the parliamentary service. This principle is defined in the Code of Conduct.

Code of Conduct

4. The Code provides clarity of the standards of behaviour to ensure SPCB staff serve all elected members equally by delivering consistently high-quality services and providing impartial, balanced and evidence-based information. In drafting the Code, the SPCB completed a thorough assessment of the risk to impartiality and determined the action to be undertaken to eliminate or minimise those risks. The risk assessment process is ongoing and is maintained through LG.

Diversity and Inclusion Strategy (D&I)

5. The D&I Strategy is helping us to establish a culture that values openness and authenticity. It's also encouraging diversity of thought and decision making by removing barriers to participation and employment. This is helping us to gain a broader insight, increase challenge and engage more fully by responding to this.
6. These shared frameworks help guide staff to act in the best interests of our employer. Amongst other things, this means performing the duties of our role and following reasonable instructions. This is the most fundamental characteristic of the employment relationship.

External Context

7. In society, there is an increase in direct participation moving away from traditional party politics to issues and causes, such as climate change, sovereignty and self-determination and gender identity. Through its reform agenda and engagement

activities, Parliament is responding to this by continually looking for new ways to make the democratic process more relevant, accessible and open. The D&I Strategy supports this by recognising that democracy is stronger when it is inclusive and reflects all the people it seeks to serve.

8. For example, through our committee engagement activities we're encouraging diversity of views and perspectives in Parliament's inquiry work. We have seen an increase in the number of people being invited to share their lived experience at committee to deliver better scrutiny. Whilst this is a positive development there may be times when our staff are exposed to situations that they may find personally traumatic, for example, inquiries into child sexual abuse or bullying. This, in turn, can interfere with colleagues' emotional and mental wellbeing due to the nature of the content being discussed as part of their day-to-day activities.

Issue

9. It's essential that the Parliament and the public have confidence that our personal views do not affect the discharge of our official duties. The Code of Conduct sets out the standards of behaviour expected of us which follow from our position in serving the Parliament. The aims of the rules are to allow staff the greatest possible freedom to participate in public affairs without infringing the fundamental principle of impartiality.
10. Internally, we are increasing the diversity of our staffing group and encouraging colleagues to be open about their own experiences and identities. For example, we have set up peer support through our diversity networks, bringing together people with lived experiences to discuss issues, identify barriers and solutions.
11. We've reviewed the Code and whilst it covers party politics there's a need to include politics of issues, identities and causes.

Proposed remit of the working group

12. Is to:

- review the Code of Conduct to identify opportunities to strengthen it, for example, by introducing scenarios of potential conflicts, including conflicts in relation to politics of issues, identities and causes; and
- draft guidance to support managers and staff to encourage open dialogue to identify potential conflicts of interest and disclosure and management of risk to support wellbeing.

Code of Conduct - Review
Working Group
7 October 2021

	ISSUE	OUR CODE	COMPARATOR POLICES	RECOMMENDED APPROACH	EXAMPLES
1.	Values	Our 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. Our values of stewardship, excellence, respect and inclusiveness are currently set out at the beginning of the Code alongside a requirement that	HoC and Welsh Assembly is similar in approach. Lloyds has a different tone. The Code is seen a guide and reference point for every colleague. It explains how Lloyds colleagues can work responsibly, living up to their values and doing the right thing when we have to make decisions. Starbucks goes further 'We treat each other with respect and dignity. This means that all partners are entitled to work in an environment that is free of harassment, bullying and discrimination'.	Build our values throughout the code focusing on what's expected of the employee rather than based on what you and can't do. It should be about setting out the standard of behaviours expected of staff while observing its key principles but also recognising how we can act in support of our values and all relevant policies and procedures (for example, positive about wellbeing/ trans and non-binary equality policy/dignity and mutual respect).	

	ISSUE	OUR CODE	COMPARATOR POLICES	RECOMMENDED APPROACH	EXAMPLES
		all staff commit to the highest standards of conduct.			
2.	Personal beliefs	The Code states that 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. However, there may be times that Parliamentary staff can do their job professionally but the personal toll this might take should be acknowledged and recognised where	The House of Commons and Wales are similar.	Include a supplementary section on personal beliefs or should this be within the Conflict of Interest section which currently covers where there is a risk of compromised integrity/impartiality (real or perceived), not an exposure to harm? Provide examples where a personal belief impacts on someone's ability to undertake their official duties (see participation in political activities).	

	ISSUE	OUR CODE	COMPARATOR POLICES	RECOMMENDED APPROACH	EXAMPLES
		appropriate, for example when exposed to something that may cause harm and can lead to stress and anxiety. The Code as it stands doesn't cover 'personal beliefs' in this regard.			
3.	Risk of harm and raising a matter of concern	There is currently no information about sources of advice or support for anyone who wants to raise a concern where they feel they are exposed to any harm at work. There is a section on 'Raising Matters of Concern' if someone believes that any	Wales is similar to our code. No information HoC provide a section on further advice and support with a reference to seeking HR advice.	Review how these matters of concern can be raised. If someone feels they are being asked to take part in an activity which would cause a colleague demonstrable harm or is contrary to their personal beliefs, there should be options for the person to deal with this and knowing what their options are (for example support from a manager,	

	ISSUE	OUR CODE	COMPARATOR POLICES	RECOMMENDED APPROACH	EXAMPLES
		wrongdoing, impropriety or malpractice has occurred but not where there is a risk to harm.		opt-out with no repercussion, counselling, etc).	
4.	Participation in political activities	The Code explains where you can/can't participate in political activities. The lines feel blurred as to what a member of staff can participate in whilst adhering to the standards of behaviour expected of staff and observing the key principles of the Code. Social causes, identity politics, the impact of digital technology, and use of social	House of Commons and Wales is similar Starbucks - <u>Personal Activities</u> – 'Starbucks understands the need for balance between work, personal and family life, and we encourage partners to be involved in their communities. However, partners should not impose their personal beliefs or opinions on other partners or represent their personal opinions as those of Starbucks.'	Provide examples that help staff to navigate through this changing landscape of politics.	You intend to observe the trans day of remembrance event taking place outside the Parliament. You've heard that an MSP has scheduled an event on campus at which an anti-trans campaigner is speaking, and you know that this has hurt and angered people who will be outside. You've heard that some of them will be protesting against the MSP event. You're an organiser of a community group that's campaigning to have your neighbourhood designated as a low-traffic neighbourhood. Your constituency MSP has

	ISSUE	OUR CODE	COMPARATOR POLICES	RECOMMENDED APPROACH	EXAMPLES
		media has changed our political landscape with many more people active in this sphere in their everyday lives either locally or nationally, for example (climate change, trans issues, calling out racism/sexism, indy ref etc). We need to be clear about what this means for staff in participating in any political activities.			decided to actively oppose the campaign and is making it a key part of his election campaign. You want to take part in Pedal on Parliament. You want to take part in a Critical Mass cycling protests. An MSP is due to hold a members' business debate criticising such events. You're a bisexual member of staff who has been angered by what you see as biphobic and transphobic statements by an organisation that claims to support lesbian, gay and bisexual people. You want to write a blog arguing against their position. The organisation is known to have close links with a particular MSP, who has invited it to

	ISSUE	OUR CODE	COMPARATOR POLICES	RECOMMENDED APPROACH	EXAMPLES
					give evidence in committee meetings. You want to attend the annual Pride protest that takes place outside Holyrood. A counter-protest has been organised, which several MSPs are expected to attend. You want the parliament to support a cause (for example fly the pride flag). You are aware of someone attending Holyrood with far right views. You don't want to engage with the person when they come on site.
5.	Protected rights	The Code makes no reference to people's rights under the Human Rights Act/ Equality Act	No reference by HoC or Wales <u>Lloyds</u> include: 'Human rights are fundamental principles that allow an	Recommend a section on human/equal rights or a baseline of rights (including zero tolerance) – that in certain circumstances	

	ISSUE	OUR CODE	COMPARATOR POLICES	RECOMMENDED APPROACH	EXAMPLES
		(2010) which the SPCB must adhere to.	individual to lead a dignified and independent life, free from abuse and violations. We aspire to conduct business in ways that values and respects human right – including our colleagues, customers, business partners and everyone that is affected by our business. We know this affects both our direct interactions with colleagues and customers and the human rights impacts that can be created by our customers – and therefore we take into account human rights concerns in our investment, lending and service operations. We adhere to the relevant rules and regulations of every country we operate in, and seek to operate in accordance with internationally accepted human rights standards	at work where there is someone exposed to harm that the rights of staff in their work are recognised and respected.	

	ISSUE	OUR CODE	COMPARATOR POLICES	RECOMMENDED APPROACH	EXAMPLES
			such as the United Nations Declaration of Human Rights, the UN Guiding Principles on Business and Human Rights, together with the International Labour Organization (ILO) Fundamental Conventions. What this means for colleagues: We consider the impact our financing and operations have on people. We respect others' rights wherever we work.'		

	Organisation/Code Link
SPCB –	Code of Conduct
WAC =	Welsh Assembly Commission – Staff Code of Conduct
HOC =	Part 5 (House of Commons – Staff Handbook)

SB =	<u>Starbucks -Business Ethics and Compliance</u>
L =	<u>Lloyds - Code of Ethics and Responsibility</u>
J&J =	<u>Johnson & Johnson – Code of Business Conduct</u>