

SCOTTISH POLICE  
AUTHORITY

<b>Meeting</b>	<b>Public Board Meeting</b>
<b>Date</b>	<b>25 August 2016</b>
<b>Location</b>	<b>Stirling Court Hotel, Stirling</b>
<b>Title of Paper</b>	<b>Authority/Police Staff Code of Conduct</b>
<b>Item Number</b>	<b>13</b>
<b>Presented By</b>	<b>John Gillies, Director of People &amp; Development, Police Scotland</b>
<b>Recommendation to Members</b>	<b>For Approval</b>
<b>Appendix Attached:</b>	<b>YES - Code of Conduct</b>

**PURPOSE**

The Purpose of this paper is to seek approval for the publication of the Authority/Police Staff Code of Conduct. This has previously been presented to the HRRC, where it was decided that this should be recommended for approval to the Full Board.

## **1. BACKGROUND**

- 1.1 The Scottish Government NDPB Human Resources Guidance Notes states that all Public Bodies should have a Code of Conduct for their staff, governing the behaviour that is expected of them and the values they are expected to uphold.
- 1.2 This Code of Conduct is focused upon supporting and protecting the integrity of individuals by providing clear guidance and procedures to ensure concerns and / or vulnerabilities can be identified, reported, monitored and / or actioned.
- 1.3 The Code further provides information and guidance for individuals to ensure they are aware of, and understand the standard of conduct required of them as staff of SPA / Police Scotland.
- 1.4 In addition, SPA / Police Scotland have a number of published Standard Operating Procedures (SOPs) which correlate to the Code of Conduct and will support its application.

## **2. FURTHER DETAIL ON THE REPORT TOPIC**

- 2.1 The draft Code of Conduct was originally presented to the HRRC with Unison in disagreement on elements of the content. On that basis it was determined that further discussion was required with Unison to confirm whether these concerns could be addressed. Following further consultation the following actions were taken:
  - Assurances have been provided that an effective supporting communication plan will support the implementation of the Code of Conduct, with particular consideration being given to highlighting parameters around conflicts of interest;
  - A responsibility has been added for the SPA to monitor the use of the Code in relation to related grievance/disciplinary cases;
  - It was ensured that the Human Rights Assessment was carried out before final approval was sought; and,
  - The detail in relation to vetting was reduced, on the basis that the detail is currently being consulted on through the National Vetting Reference Group, which has Unison, Police Scotland, Staff Association and SPA representation.
- 2.2 Following a final discussion with Unison on 20<sup>th</sup> July 2016 it was confirmed that all concerns highlighted by Unison during the consultation process had now been addressed.

## COMMUNICATION

- 2.3 A communication plan has been produced that sets out planned communications activity to support the publication of the Authority/Police Staff Code of Conduct
- 2.4 A joint SPA / Police Scotland communication will be issued to launch the Code, and additional communications will include articles in the Police Scotland and SPA intranets and a short news article in The Beat. A memo will also be issued via Policy Support.
- 2.5 In addition, ahead of the Code being communicated to all staff, HR Business Partners, People Direct and relevant staff associations will get advance sight of information concerning the Code so that they are in a position to answer questions members of staff may have.

## 3. FINANCIAL IMPLICATIONS

- 3.1 There are no financial implications associated with this report.

## 4. PERSONNEL IMPLICATIONS

- 4.1 There are personnel implications associated as outlined in this paper and therefore this paper has undergone significant consultation with key stakeholders.

## 5. LEGAL IMPLICATIONS

- 5.1 There are no legal implications associated with this paper.

## 6. REPUTATIONAL IMPLICATIONS

- 6.1 The Code seeks to support the reputation of the service and individuals by providing clarity as to what is expected of Authority/Police Staff.

## 7. SOCIAL IMPLICATIONS

- 7.1 There are implications within the Code which explain the parameters around Conflicts of Interest, Criminal Allegations, Private Lives both within and outwith work which may have an impact in relation to the expected conduct of staff.

## **8. COMMUNITY IMPACT**

- 8.1 Community engagement may be supported through the clarity that this code offers in terms of what is expected of Authority/Police Staff.

## **9. EQUALITIES IMPLICATIONS**

- 9.1 There are equality implications associated with this paper.

The Code overarches the Equality, Diversity and Dignity SOP and is guided by both European and UK legislation. Failure to adhere to the Code may have implications in relation to staff fulfilling their duties in a fair, just and equitable way.

An Equality and Human Rights Impact Assessment (EqHIRA) on the Code has been completed in conjunction with Equality and Diversity Department.

## **10 ENVIRONMENTAL IMPLICATIONS**

- 10.1 There are no environmental implications associated with this report.

### **RECOMMENDATIONS**

Members are requested to approve the Code of Conduct for publication.

**SCOTTISH POLICE**  
**AUTHORITY**



**POLICE**  
**SCOTLAND**

**CODE OF CONDUCT**  
**(Authority/Police Staff)**

<b>Owning Department:</b>	People and Development
<b>Version Number:</b>	0.3
<b>Date Published:</b>	DD/MM/YYYY

### Compliance Record

<b>Equality and Human Rights Impact Assessment (EqHIRA): Date Completed / Reviewed:</b>	15/06/16
<b>Information Management Compliant:</b>	Yes / No
<b>Health and Safety Compliant:</b>	Yes / No
<b>Publishable Scheme Compliant:</b>	Yes / No

### Version Control Table

<b>Version</b>	<b>History of Amendments</b>	<b>Date</b>
1.00	Initial Approved Version	DD/MM/YYYY
2.00	Amend as Required	DD/MM/YYYY
3.00	Amend as Required	DD/MM/YYYY

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## 1. Purpose

- 1.1 The purpose of this Code is to set out a framework for the type of conduct expected of all Authority/Police Staff.
- 1.2 The Code is focused upon supporting and protecting the integrity of individuals by providing clear guidance and procedures to ensure concerns and/or vulnerabilities can be identified, reported, monitored and/or actioned.
- 1.3 The Code provides information and guidance for individuals to ensure they are aware of, and understand the standard of conduct required of them as staff of SPA and Police Scotland.
- 1.4 SPA and Police Scotland have a number of published Standard Operating Procedures (SOP's) which correlate to this Code of Conduct. Links to related SOP's, legislative, and reference documents are identified and highlighted throughout this document for ease of use.
- 1.5 Any breach of the Code of Conduct will be investigated and assessed on merit and if appropriate, would be considered in line with the [Disciplinary SOP \(Authority / Police Staff\)](#)

## 2. Application

- 2.1 This Code applies to all Authority/Police staff.
- 2.2 The terms individual or member of staff will be used to refer to Authority/Police Staff from this point forward.

## 3. Duties and Responsibilities

- 3.1 All individuals can directly influence the success of SPA and Police Scotland by conducting themselves with integrity, impartiality and honesty.
- 3.2 Further information is provided on the Intranet – [Integrity Matters](#) and [Code of Ethics](#).

## 4. Accountability

- 4.1 Individuals are accountable for their decisions and actions to SPA as the employer. SPA and Police Scotland rely on the honesty and integrity of all staff.
- 4.2 Individuals must always therefore act in a way that is professional and that deserves and retains the confidence of all those with whom they have



dealings.

- 4.3 It is important therefore that all individuals understand and observe the contents provided in this Code to ensure they are not compromised and doubt is not cast on their integrity or that of SPA and Police Scotland.

## **5. Business Interests and Secondary Employment (BISE).**

- 5.1 Authority / Police Staff have a duty to act honestly. They must declare any private interests which may impact on their public duties and take steps to resolve any conflicts arising in a way that protects the public interest.
- 5.2 Authority/Police Staff must have the agreement and permission of their respective Head of Department, should they wish to undertake any BISE.

## **6. Confidentiality, Data Protection and Intellectual Property**

- 6.1 All information created by Authority/Police Staff in the course of their duties, or to which they have access, is the property of SPA and Police Scotland (this may be termed Intellectual Property).
- 6.2 Authority/Police Staff are bound by the Official Secrets Act 1989 and the Data Protection Act 1998 and as such, have a duty to protect all information that they come into contact with during the course of their employment. Accessing and / or viewing data without authorisation, and that which does not relate to part of a business process or relate to the role of the individual, may constitute a criminal offence, regardless of whether individuals disclose that data.
- 6.3 Individuals should be aware and note that all duties and obligations under the [Official Secrets Act 1989](#) and [Data Protection Act 1998](#) continue to exist even after the termination of their employment with SPA and Police Scotland.
- 6.4 Individuals must not seek to develop or commercially exploit any Intellectual Property of SPA and Police Scotland.

## **7. Conflicts of Interest**

- 7.1 All staff are responsible for ensuring that they are not placed in a position which risks, or appears to risk, conflict with their SPA / Police Scotland duties.
- 7.2 Individuals must not use their official position or information acquired while undertaking official duties to further their private interests or those of others and individuals must avoid situations that could be perceived as a conflict of interest.

- 7.3 If individuals have an interest or may be reasonably perceived in having an interest in a decision to be taken by SPA / Police Scotland, individuals should take no part in the process by which the decision is taken.
- 7.4 For further information please refer to the [Counter Corruption Policy](#) and the [Data Protection SOP](#).
- 7.4 Individuals must ensure that any possible conflicts of interest are identified at an early stage and that appropriate action is taken to resolve them, by notifying their Line Manager and Head of Department in the first instance.

## **8. Criminal Allegations/Charge/Convictions**

- 8.1 Individuals have a duty to uphold the law and act in accordance with the law and the public trust placed in individuals. Individuals have a duty to act in the interests of SPA/Police Scotland and in accordance with the core functions and duties of that body.
- 8.2 Individuals should be aware that employment with SPA and Police Scotland is a 'Notifiable Occupation' meaning that if individuals are arrested or reported to the Crown Office and Procurator Fiscal Service, this will be notified directly to SPA and Police Scotland.
- 8.3 Counter Corruption Unit (CCU) / Professional Standards Department (PSD) involvement in relation to any member of staff will be undertaken in conjunction with the relevant Divisional Commander / Head of Department.

## **9. Equality, Diversity and Dignity**

- 9.1 SPA and Police Scotland is committed to applying the principles of the European Convention on Human Rights, the (UK) Human Rights Act 1998, and the Equality Act 2010, creating a fair workplace and promoting equality and respect for diversity. Individuals must fulfil their duties in a way that is fair, just and equitable.
- 9.2 Individuals must respect fellow staff of SPA and Police Scotland and the role they undertake, treating them with courtesy at all times. Similarly individuals must respect members of the public when performing duties as an individual employed by SPA.
- 9.3 For further information please refer to the [Equality, Diversity and Dignity SOP](#).

## **10. Health and Safety**

- 10.1 SPA and Police Scotland have a legal obligation to protect the health and safety of their workforce, including assessing the risks to the health and safety of individuals whilst at work.
- 10.2 Individuals must also take reasonable care for their own health and safety and for others who may be affected by what they do or fail to do at work. This duty implies taking positive steps to understand the hazards in the workplace, to comply with safety rules and procedures and to ensure that nothing individuals do or fail to do puts individuals or others at risk.
- 10.3 The law does not expect that all risks are eliminated, but does require SPA and Police Scotland to protect its staff and others affected by their activities from those risks with the potential to cause significant harm.
- 10.4 Individuals must therefore be diligent in the exercise of individual duties and responsibilities.
- 10.5 For further information please refer to the [Health and Safety SOP](#).

## **11. Inducements**

- 11.1 Under the Bribery Act 2010 it is a serious criminal offence to offer a bribe to a person by giving someone a financial or other advantage to encourage that person to perform their functions or activities improperly or to reward that person for having already done so. It is also a serious criminal offence to request, agree to receive or receive a bribe and thereafter to improperly perform a function or activity.
- 11.2 Individuals must not use their official position to receive, agree to accept or attempt any payment or other consideration for doing, or not doing, anything or showing favour, or disfavour to any person. Individuals should not receive benefits of any kind from a third party which might reasonably be seen to compromise their personal judgement and integrity.
- 11.3 For further information please refer to the [Gifts, Gratuities, Hospitality and Sponsorship SOP](#)

## **12. IT Systems**

- 12.1 SPA and Police Scotland are committed to ensuring that its electronic systems are only used for policing purposes. Accessing and / or viewing data without authorisation, or that which does not relate to part of a business process or relate to the role of the individual, may constitute a criminal or disciplinary offence, regardless of whether the data is disclosed.

- 12.2 This Code of Conduct relates to the use of any platform, web – based or mobile communications, social media networking sites, and all types of social media.
- 12.3 For further information please refer to the [Email and Internet Security SOP](#)

### **13. Political Activity**

- 13.1 Individuals should ensure that in carrying out their day to day work, they act in a way that maintains political impartiality and do not allow their personal political views to determine any advice given, or actions taken.
- 13.2 Some Police Scotland and SPA staff will occupy posts where formal political restrictions have been applied and this will be clearly stated in contracts of employment.

### **14. Private Lives**

- 14.1 Individuals have the right of all citizens to have a personal and private life free from unnecessary, intrusive or discriminatory restraint or interference.
- 14.2 Individuals should remain mindful that their conduct at any time, whether within or out-with their working hours, may have an impact on the reputation of, and public confidence in, SPA and Police Scotland.
- 14.3 Individuals must not misuse their official position or information acquired in their capacity as a member of staff to further advance their private interests or those of others.

### **15. Reporting Concerns (Confidential Reporting)**

- 15.1 SPA and Police Scotland is committed to the highest possible standard of openness and accountability. In line with that commitment, individuals who believe that behaviours are unprofessional, unethical, unacceptable or illegal are encouraged to report them, rather than overlook the issue or raise them outside SPA and Police Scotland.
- 15.2 Individuals can raise concerns formally or informally through their Line Manager, or through Integrity Matters, a confidential reporting mechanism, providing police officers and members of Authority/Police Staff, the opportunity to report, either anonymously or confidentially, any criminal, conduct, or integrity concern they may have.
- 15.3 These concerns may be about something that:
- is unlawful e.g. theft, fraud, corruption etc.;

- is against existing SPA and Police Scotland policies;
- falls below established standards or practice;
- amounts to improper conduct; and/ or
- is a health and safety risk, including risks to the public as well as other members of staff.

15.4 If after having reported a matter individuals believe that the response does not represent a reasonable response from SPA and / or Police Scotland, to the grounds of their concern, individuals may then report the matter in writing to a nominated official in the Scottish Government Sponsor Team, [police\\_policy\\_strategy\\_support\\_team@scotland.gsi.gov.uk](mailto:police_policy_strategy_support_team@scotland.gsi.gov.uk) who will investigate the matter further.

## 16. Talking to the Media

- 16.1 Any member of Authority/Police Staff who is approached by a representative of the media enquiring about a particular incident or initiative must, in the first instance, contact Corporate Communications Department to seek advice and appropriate authorisation.
- 16.2 The provisions set out in 16.1 do not apply to individuals where they are acting in their capacity as trade union representatives, and they are communicating the view of the trade union to the media.

## 17. Vetting

- 17.1 Individuals are required to achieve and maintain the required level of vetting clearance appropriate to their role.
- 17.2 Changes of personal circumstances of individuals may impact on their continued suitability to hold that clearance. Individuals must, therefore, report any relevant changes in writing to the relevant Vetting Unit. It is also the responsibility of Line Managers to ensure that the Vetting Units are notified of relevant changes coming to their attention.

For further information please contact the Vetting Unit.

## 18. Roles and Responsibilities

### 18.1 Individuals

- 18.1.1 Individuals should adhere to the SPA and Police Scotland [Code of Conduct](#) principles and should:
- ensure they are familiar with and understand the content of the [Code of Conduct](#) and what is expected of them;

- if in any doubt regarding their responsibilities under the Code, seek guidance from their line manager;
- refer to other conduct related SOP's as appropriate.

## **18.2 Line Managers**

18.2.1 Line Managers must ensure that individuals on their team are fully aware of the content of this Code of Conduct and should:

- update their teams on any changes in the [Code of Conduct](#);
- provide guidance to staff as appropriate on their responsibilities under the Code.
- apply the Code in a fair, reasonable and consistent manner, in line with relevant published SOPs;
- ensure their team is aware of the consequences of any alleged inappropriate conduct. Managers should refer to the [Equality Diversity and Dignity SOP](#) for further information and guidance;
- manage issues arising from any conflict of interest notifications
- deal with Confidential Reporting concerns;
- notify any change of circumstance information to the Vetting Unit.
- record and retain guidance at local level, provided to staff in relation to this Code in line with the Records Retention SOP.

## **18.3 Heads of Department**

- Approve BISE applications
- Manage Conflict of Interest reports

## **18.4 SPA**

- Respond to Confidential Reporting issues reported to them
- Monitor the use of the Code of Conduct in relation to Discipline / Grievance cases.

## Appendix 'A'

### List of Associated Legislation

All relevant legislation relating to this policy may be found at [www.legislation.gov.uk](http://www.legislation.gov.uk), including but not limited to:

- Bribery Act 2010
- Computer Misuse Act 1990 as amended by the Police and Justice Act 2006
- Data Protection Act 1998
- Equality Act 2010
- Health and Safety at Work Act 1974
- Human Rights Act 1998
- Official Secrets Act 1989

**Appendix 'B'**

**List of Associated Reference Documents**

Relevant SPA and Police Scotland Documents and Publications

- Police Scotland Annual Policing Plan 2015 - 16
- Code of Ethics for Policing
- Online Safety Guidance for Police Officers and Members of Police Staff.

Relevant SPA and Police Scotland SOPs are available on the intranet including:

- Email and Internet Security SOP
- Equality Diversity and Dignity SOP
- Gifts, Gratuities, Hospitality and Sponsorship SOP
- Health and Safety SOP
- Disciplinary SOP