

Outside Occupations or Activities

1. Full-time staff must not accept any posts in any trading, commercial, industrial or financial firms or companies or other organisations which require attendance at any time during normal official hours. This rule does not affect the appointment of staff as non-executive directors in outside organisations as part of their official duties.
2. You must not take part in any activity which would in any way impair your usefulness as a public servant, nor engage in any occupations or undertakings which might in any way conflict with the interests of the Scottish Government or be inconsistent with your position as a public servant. This rule may also apply to your spouse, co-habitee or close relative; much will depend on whether the activity is relevant to your official duties. The HR Shared Service Centre should be consulted in every case where you have any doubt about the propriety of such activity.
3. The application of the rule in paragraph 2 will depend on the nature of your duties at the time. For example if you are in Rural Directorate you must seek advice from the HR Shared Service Centre if you wish to acquire an active or financial interest in any private business or enterprise which is related to agriculture, and in particular if you are to live on or be associated with the management of a farm. Additionally if you intend to live on a farm managed by your spouse, co-habitee or close relative you must consult the HR Shared Service Centre.
4. Staff in Bands A-C are required to register their outside occupation or activity where there is the potential for a conflict of interest to arise in the case management section of the eHR self referral facility. Staff in the SCS are required to register all relevant outside occupations and activities.
5. Subject to the general principles governing conduct and the rules in paragraphs 1 and 2 above, the Scottish Government will not concern itself with the activities in which you engage outside your official duties unless such activities involve:
 - use of official time and/or resources;
 - use of your official designation;
 - use of official information or of experience acquired in the course of official duties; or
 - working for another Government department, or any form of service in any of the armed forces - but see (Armed Forces).
6. In all such cases, prior permission must be obtained. Guidance on the use of official information, can be found in (CONFIDENTIALITY AND OFFICIAL INFORMATION). In all other cases, advice must be sought from the HR Shared Service Centre. Phone: 0131-244-3334 (Ext 43334).

Outside appointments following Resignation or Retirement

7. It is in the public interest that people with experience of public administration should be able to move into business or other bodies, and that such movement should not be frustrated by unjustified public concern over a particular appointment. It is equally important that when a former Crown servant accepts an outside appointment there should be no cause for any suspicion of impropriety.

8. The Business Appointment Rules provide for the scrutiny of appointments which former Crown servants propose to take up in the first two years after they leave the service. To provide an independent element in the process of scrutiny, the Advisory Committee on Business Appointments (ACOBA) is appointed by the Prime Minister, comprising people with experience of the relationships between the Civil Service and the private sector. The Committee gives advice on applications at the most senior levels, and reviews a wider sample in order to ensure consistency and effectiveness.

9. The aim of the rules is to maintain public trust in the Crown services and in the people who work in them, and in particular:

- avoid any suspicion that the advice and decisions of a serving officer might be influenced by the hope or expectation of future employment with a particular firm or organisation; or
- to avoid the risk that a particular firm might gain an improper advantage over its competitors by employing someone who, in the course of their official duties, has had access to technical or other information which those competitors might legitimately regard as their own trade secrets or to information relating to proposed developments in Government policy which may affect that firm or its competitors.

10. Most applications submitted under the rules are approved without condition. In some cases approval may be given subject to a waiting period or other conditions. The imposition of conditions does not imply anything improper in a Crown servant's relationship with the prospective employer. Rather, it is an indication that an immediate move from Crown service to the employer, or one without conditions, might be open to criticism or misinterpretation. Experience has shown that employers generally are content to accept such constraints as being reasonable in an open society which places a high premium on the integrity and impartiality of its civil service.

Who must apply?

11. Within 2 years of leaving Crown employment, and in the circumstances set out in the following topic, you must obtain Government approval before taking any form of full, part-time or fee-paid employment:

in the United Kingdom; or overseas in a public or private company or in the service of a foreign government or its agencies.

Applications for approval must be made:

- if you are in the Senior Civil Service in salary band 2 or above and in a post attracting a minimum JESP score of 14; or if you are a Specialist or Specialist Adviser of equivalent standing; or
- if you have had any official dealings with your prospective employer during the last 2 years of Crown employment; or
- if you have had official dealings of a continued or repeated nature with your prospective employer at any time during your period of Crown employment; or
- if you have had access to commercially sensitive information of competitors of your prospective employer in the course of your official duties; or
- if, during the last 2 years of Crown employment, your official duties have involved advice or decisions benefiting your prospective employer, for which the offer of employment could be interpreted as a reward, or have involved developing policy, knowledge of which might be of benefit to the prospective employer; or
- if you are to be employed on a consultancy basis - either for a firm of consultants or as an independent or self employed consultant - and you have had any dealings of a commercial nature with outside bodies or organisations in the last 2 years of Crown employment.

The rules do not apply to:

- unpaid appointments in non-commercial organisations;
- appointments in the gift of Cabinet Secretaries or Ministers; or
- in the case of part-time staff, appointments held with the Scottish Government's agreement while you were a civil servant.

Approval is required for:

- the initial appointment; and
- any further appointment within 2 years of leaving Crown employment.

12. If you are on secondment from the Scottish Government to another organisation you are subject to the rules in the same way as other members of staff.

13. If you are on secondment to the Scottish Government from another organisation, you are also subject to the rules in the same way as civil servants unless you return to your seconding organisation at the end of your secondment and remain with them for 2 years.

14. If you are a Special Adviser, you are subject to the rules in the same way as other members of staff unless you are offered a post by the same employer which you left on appointment as a Special Adviser and remain there for 2 years. The rules do not apply if you were appointed before 1 April 1996 on terms exempting you from the rules, unless you have volunteered to be subject to them.

Reporting offers of employment

15. If you are considering an approach from an outside employer offering employment for which approval would be required under these rules - or which seems likely to lead to such an offer - you must report the approach as follows:

- Permanent Secretary:

report to The First Minister;

- Other members of the Senior Civil Service (or equivalents)

report to The Permanent Secretary;

- All other staff:

report to the HR Shared Service Centre.

16. If you are involved with procurement or contract work you should report any such approach, particularly where it emanates from an outside employer with whom you or your staff have had official dealings, **whether or not** you are considering taking it up. HR Shared Service Centre Phone: 0131-244-3334 (Ext 43334).

Applications for outside appointments

17. If you require approval before taking up an outside appointment, you must apply to HR Shared Services: Employee Relations and Reward, using the standard form which is available through the HR Intranet forms section.

18. Relevant forms:

- Business Appointment form
Application to accept an outside appointment after resignation/retiral
- BAR - Application for Permission to Accept an outside appointment following retirement or resignation from Crown Service
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Armed Forces

Civil Servants Who Join The Armed Forces

19. Scottish Government as an employer supports the Territorial Army and reserve forces and the Scottish Government will give you permission to join these forces wherever it reasonably can.

20. If you wish to join one of the Forces or Reserves you should first obtain written consent from the HR Shared Service Centre. Permission to join one of these Forces or

Reserves will not be revoked during the period for which you have engaged or enrolled (usually from 1 to 5 years). Further written permission is necessary before extending an engagement etc or entering into a fresh one.

Cadet Forces

21. These comprise the Sea Cadet Corps, Combined Cadet Force, Army Cadet Force and Air Training Corps. If you wish to join one of these Forces you do not require written consent but must notify the HR Shared Service Centre once you have joined.

Staff Who Enlist in The Forces

22. If you wish to enlist for full-time service in the Forces otherwise than in the circumstances set out in paragraph 19 above you will require to resign.

The Volunteer Reserve Forces

23. These Forces include the following:

- Royal Naval Reserve (RNR)
- Royal Marines Reserve (RMR)
- Territorial Army
- Royal Auxiliary Air Force

24. In addition, although not forming a part of the Volunteer Reserve Forces, the Army Cadet Force (ACF), the Air Training Corps (ATC), the Sea Cadet Corps (SCC) and the Combined Cadet Force (CCF) are included in the responsibilities of each of the local Territorial Auxiliary and Volunteer Reserve Associations (TAVRAs).

25. Information about any of the Volunteer Reserve Forces or Cadets, is available on a regional basis from TAVRAs as follows:

Lowland TAVRA	Lowland House, Avenuepark Street, GLASGOW G20 8LW Telephone: 0141 945 4951 Fax: 0141 945 4869
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Council areas forming the Association: The Scottish Borders, Dumfries and Galloway, East Lothian, City of Edinburgh, Midlothian, West Lothian, South Lanarkshire, that part of North Lanarkshire that formerly comprised Monklands and Motherwell Districts, East Ayrshire, North Ayrshire, South Ayrshire, Inverclyde, Renfrewshire, East Renfrewshire, City of Glasgow and that part of Argyll and Bute Council comprising the Island of Bute.

Highland TAVRA	Seathwood, 365 Perth Road DUNDEE DD2 1LX Telephone: 01382 668283 Fax: 01382 566442
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Council areas forming the Association: Angus, Fife, Dundee City, Perth and Kinross, Aberdeen, Aberdeenshire Council, Moray, West Dunbarton, Falkirk.