

Standards of Propriety

Contents

Relations with Outside Organisations

Insider Trading

Private Purchases by Civil Servants

Sales and Letting of Contracts to Civil Servants

Bankruptcy or Insolvency

Borrowing

Conflict of Interest

Reporting of Arrests and Convictions

Care of Official Property

Official Telephones, Stationery, Equipment and Services

Relations with Outside Organisations

1. Staff who come into official contact with matters concerning an organisation in which they have an interest (financial or otherwise) must declare that interest immediately to their line manager. It will be for the line manager, in consultation with the Director General where appropriate, to consider whether the officer concerned should continue to deal with the matter.
2. Staff must not accept directorships in companies unless they have been nominated by the Scottish Government or have the express permission of the Director General.

Insider Trading

3. As a Crown servant you are prohibited by law from certain activities where, by virtue of your position, you have information which you know or ought to know is unpublished and price sensitive in relation to the holdings of shares or other securities in companies. In such circumstances you are prohibited from dealing in those shares or securities and from encouraging anyone else to do so. Passing on information to others is also prohibited if it is known or it can be expected that the recipient will use the information for dealings in the shares or securities or for encouraging others to do so.
4. This provision applies equally to you even if your work involves solely the mechanical processes of passing on information. The handling of commercial information of all kinds must be treated in confidence. Insider trading is a serious criminal offence and disciplinary action may follow any such misconduct regardless of prosecution.

Private Purchases by Civil Servants

5. If you are, or have been, engaged in official transactions on behalf of the Scottish Government with an outside organisation, you should not undertake any private business or transactions with that organisation (or with any of its representatives) unless specific written approval is first obtained from HR Shared Service Centre. Tel: 0131-244-3334.

6. Examples include the purchase of goods at discount from a company (this includes cash and carry warehouses) which supplies the Scottish Government; the placing of a contract for a house extension with a builder who does work for Scottish Government; and the purchase of any article or service outside a company's normal line of business from one of its representatives (e.g. a car, or a holiday in premises owned by the company). Neither should you seek or accept the help of colleagues whose official position might enable them to influence the terms of such private transactions.

7. In no circumstances may Scottish Government order forms be used for the purchase of goods or services for private purposes. This does not debar you from making use of the facilities for obtaining goods at discount through staff associations or shopping guilds. It does, however, debar you from approaching firms as a Scottish Government representative in order to make private purchases on terms available to the Executive.

Sales and Letting of Contracts to Civil Servants

8. The Scottish Government is not permitted to sell surplus Government property to civil servants who have been able to get special knowledge about the condition of the goods because of their official duties; or have been officially associated with the disposal arrangements; or at a discount that would not be available to a member of the public. If you are in any doubt about the propriety of buying an article you should consult HR Shared Service Centre. Tel: 0131-244-3334.

9. The Scottish Government will not, unless you have fully disclosed the measure of your interest in the contract and senior management has given permission, let contracts to you or:

- any partnership of which you are a member; or
- any company where you are a director (except as a nominee of the Scottish Government).

10. To enforce this rule it is important that you report your business interest to HR Shared Service Centre. Tel: 0131-244-3334 email.

Bankruptcy or Insolvency

11. If you become bankrupt or insolvent you must submit a full statement of the facts to HR Shared Service Centre. Tel: 0131-244-3334.

Borrowing

12. Borrowing money from a junior colleague is regarded as a serious offence and may lead to disciplinary proceedings.

Conflict of Interest

- As a public servant you have a particular duty to ensure that your official position is not used to further your own personal interests or the personal or other interests of others who have no legitimate entitlement to benefit. You also have a duty to ensure that in your conduct no appearance of such bias or misuse of position is given, or can reasonably be inferred.

- You should separately be aware that you may be subject to criminal prosecution where you act corruptly. Disciplinary action may follow any such misconduct regardless of prosecution.
- A decision by the First Minister could be open to legal challenge, and could be set aside, if the private interests of any person substantively involved in the decision-making process were such as to give rise to a reasonable presumption of bias. Persons "substantively involved" could include not only the decision-taker but also others who contribute to the decision by, for example, research or advice. Any person who felt aggrieved by such a decision and who could establish title interests to sue, might seek a judicial review against the First Minister in respect of the decision on the grounds of bias. In law the possibility of conflict of interest does not necessarily stop with consideration of financial interests held by the individual. Bias could be alleged in respect of the interests of anyone with whom such a person substantially involved in the decision has a close family, domestic or other relationship.
- If you have or may be proposing to acquire a financial interest in a business or institution with which you may have to deal officially you should immediately report such an interest to senior line management (usually your countersigning officer) and copy the report to S1 Spur Saughton House. If you know that your spouse, co-habitee or close relative has acquired a private financial interest (e.g. a shareholding) in a business with which you may have had to deal officially, senior line management must be informed. It does not necessarily follow that having such an interest would disqualify you from continuing to act in any particular matter. However, the Scottish Government must be in a position to determine that issue and it is not one for you alone to consider. Any deliberate failure to make a disclosure will be considered a matter of misconduct. See section on Register of Interests below.
- In addition to provide transparency in the Scottish Government's governance arrangements and support compliance with the Financial Reporting Manual, SCS staff are required to register any interests in the case management section of the eHR self referral facility. See section on Register of Interests below.
- If you are in doubt as to the proper course of action you should consult your line manager and the HR Shared Service Centre Phone: 0131-244-3334. The guiding principle should be that, when in doubt, it is always better to declare any possible conflict of interest rather than risk being challenged, and facing disciplinary or legal action.
- The circumstances of different parts of the Scottish Government vary widely, and senior management in each business area may, in consultation with the HR Shared Service Centre, issue additional guidance from time to time which is more sharply focused on the work of individual units. Such advice may extend to prohibiting staff in certain areas from holding or dealing in certain kinds of financial interests.

Register of Interests

13. Staff in Bands A-C are required to register their interests 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 interests. You are required to register the following information:

- Any business interests (including directorships)

- Holdings of shares or other securities which you or members of your immediate family (i.e. spouse, partner, children, children of partner, dependents of you or your partner) hold which you or members of your immediate family would be able to further as a result of your official position.
- Any other financial interest where there is the potential for a conflict of interest to arise as a result of your official position.
- Private interests in organisations where there could be the potential for a conflict of interest to arise - for example, membership of clubs, societies and other organisations.

Reporting of Arrests and Convictions

- If you are arrested and refused bail, or charged with or convicted of any criminal offence you must report the facts to HR Shared Service Centre, S1 Spur Saughton House as quickly as possible. Failure to do so may result in disciplinary action. Traffic Offences for which the penalty has not included imprisonment or disqualification from driving need not be reported.
- If, in the course of your duty, you are involved in any occurrence that may result in criminal proceedings or a civil action, you must report the matter immediately through your senior officer to HR Shared Service Centre, S1 Spur Saughton House.

Care of Official Property

14. You are personally responsible for all official property issued to you. Any damage to, or loss of, official property must be reported promptly to Accommodation Division.

Official Telephones, Stationery, Equipment and Services

15. Limited personal use of official telephones (but see below for official mobile phones), fax machines, e-mail and the Internet is allowed, without charge:

- Private telephone calls may be made free of charge in cases of emergency or when the requirement for these arises out of official business. Otherwise they should be paid for.
- Official communications facilities must not be used for long personal calls or for personal international calls.
- Rules and guidance on the use of electronic communications at work and our monitoring arrangements are provided in the IT Code of Conduct.

16. If you have an officially allocated mobile phone or Blackberry you may use it to make personal calls. There is no limit to the number or type of personal calls you may make but all personal calls must be properly declared and paid for. Any failure to declare and pay for personal calls may result in disciplinary action. Guidance on the reimbursement of personal calls from official mobile phones can be found on the Intranet

17. Official headed stationery must not be used for private purposes. The use of an "official paid" envelope, form or label for a communication on private matters is an offence against the law.

18. Garage facilities provided for official motor vehicles may not be used for privately owned vehicles.