



## CODE OF CONDUCT FOR STAFF

### Equality

In accordance with the Equality Act 2010, we will make any reasonable adjustment necessary to assist those with a protected characteristic or disability to engage fully with the Commission. If you require any assistance with this document please let us know.

We are also a member of Happy to Translate (HTT) and can provide language assistance with this document or make it available in alternative formats if required upon request.



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### 1.0 General Policy

1.1 This Code is intended to provide guidance for the conduct required of the Chief Executive and Staff of the Scottish Criminal Cases Review Commission (hereinafter referred to as “the Commission”).

### 2.0 Duties and Responsibilities

2.1 The Commission’s staff should familiarise themselves with the contents of this Code and should act in accordance with the principles set out in it.

2.2 Staff of public bodies have a duty:

- to discharge public functions reasonably and according to the law;
- to recognise ethical standards governing particular professions; and
- to ensure that in carrying out their day to day work that they do nothing which could reasonably be construed as politically motivated.

2.3 The Chief Executive, as senior full-time official, is designated as Accountable Officer. He/she has overall responsibility, working under the Board, for propriety in a broad sense, including conduct and discipline.

### 3.0 Accountability

#### 3.1 Staff of the Commission should be aware:

- of their accountability to the Board of the Commission;
- of the respective roles of the Scottish Government Justice Directorate (the sponsor department) and the Commission, as set out in the Commission's Management Statement; and
- that the Scottish Ministers are responsible for the Commission and are ultimately accountable to Parliament for its independence, effectiveness and efficiency.

3.2 Commission Staff should conduct themselves with integrity, impartiality and honesty. They should not deceive or knowingly mislead the Board, the Department, Ministers, Parliament or the public. It is vital that staff exercise care in their day to day corporate activities to ensure that they do nothing that could reasonably be regarded as taking a political stance.

### 4.0 Conflicts of Interest etc.

4.1 Staff should abide by the rules adopted by the Commission in relation to conflicts of interest, the disclosure of official information and political activities, as set out in the Code of Conduct for Commission Board Members which, in relation to those matters, will apply *mutatis mutandis* to staff as they apply to Board Members. They should not misuse their official position or information acquired in their official duties to further their private interests or those of others. Staff should ensure that any actual or potential conflicts of interest are identified at an early stage and that appropriate action is taken to resolve them. The identification of any such conflict or potential conflict will be recorded in a Register kept for that purpose.

4.2 If a staff member involved in the Commission's contractual arrangements has any financial or other interest, direct or indirect, in a company or firm being considered by the Commission for a contract, he/she should disclose the nature of his/her interest to the Chief Executive. For example, disclosure would be appropriate if the Commission were considering whether or not to award a contract to a firm in which the staff member's relative or spouse had a financial interest. The staff member is responsible for ensuring that any possible conflicts of interest are identified at an early stage, and that appropriate action is taken to resolve them.

### 5.0 Integrity

5.1 Commission staff should not use their official position to receive, agree to accept or attempt to obtain payment or any other consideration for doing, or not doing, anything or showing favour or disfavour, to any person. They should not receive benefits of any kind from a third party which might reasonably be seen to compromise their personal judgement and integrity. Under the Prevention of Corruption Act 1916, employees of public bodies may be required to prove that the receipt of payment or other consideration from someone seeking to obtain a contract is not corrupt.

## 6.0 Rules on Acceptance of Gifts and/or Hospitality

- 6.1 Staff members should not accept any gifts/hospitality or services from anyone which would, or might appear to, place him/her under obligation. Offers of gifts/hospitality or services should be reported to the Director of Corporate Services (who will in turn inform the Chief Executive) and recorded by him in a register maintained for that purpose. The register will include: the name of the staff member receiving the offer or invitation, details of the gift/hospitality, its originator, the estimated value, whether the offer was accepted or not, and, for gifts accepted, its ultimate disposition. The register will be open for public inspection upon request.
- 6.2 Gifts and hospitality may be accepted only in the circumstances set out below, and will need to be reported and recorded in the register:
- isolated gifts of a trivial character, or inexpensive seasonal gifts such as calendars; and
  - conventional hospitality provided that it is reasonable in the circumstances.
- 6.3 What is normal and reasonable will largely depend on the extent to which a staff member is personally involved. For example, there is no objection to the acceptance of an invitation to the annual dinner of an organisation with which the Commission has regular contact, or to working lunches in the course of official visits or business relationships, but it must not be frequent or lavish. At all times, staff members must make clear that gifts and hospitality are not being accepted in return for, or in anticipation of, any action.

## 7.0 Relations with the Public

- 7.1 Commission staff, when dealing with the affairs of the public, should do so sympathetically, efficiently, promptly and without bias or maladministration. Staff should offer the public the highest standards of conduct and service.

## 8.0 Use of Resources

- 8.1 Commission staff should endeavour to ensure propriety and regularity in relation to public finances and to seek best value from resources.

## 9.0 Official Information

- 9.1 Commission staff owe a general duty of confidentiality to their employer at common law. They are therefore required to protect official information. Nothing in this Code should be taken as overriding existing statutory or common law obligations to keep confidential, or in appropriate cases to disclose, certain information. Subject to this proviso, staff should act in accordance with the Code of Practice on Access to Government Information.

## 10.0 Staff Concerns about Improper Conduct

10.1 If a member of staff of the Commission believes he or she is being required to act in a way which:

- is illegal, improper, or unethical;
- is in breach of a professional code;
- may involve possible maladministration, fraud or misuse of public funds;
- is otherwise inconsistent with this Code;

he or she should either raise the matter with the Chief Executive, or else proceed in line with the terms of the Commission's public interest disclosure policy, a copy of which is attached to this code of conduct. Staff should also draw attention to cases where there is evidence of criminal or unlawful activity by others and may also report cases where they believe there is evidence of irregular or improper behaviour elsewhere in the organisation, but where they have not been personally involved, or if they are required to act in a way which, for them, raises a fundamental issue of conscience.

10.2 Where a member of staff has reported a matter covered in paragraph 10.1 above and believes that the response does not represent a reasonable response to the grounds of his or her concern, he or she may report the matter in writing to the nominated official in the Scottish Government Justice Directorate, who will investigate the matter further.

## 11.0 After Leaving Employment

11.1 Commission staff should continue to observe their duties of confidentiality after they have left the employment of the Commission.

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