

## CODE OF CONDUCT FOR THE BUSINESS MANAGEMENT UNIT (BMU)

This Code of Conduct should be read in conjunction with the Civil Service Code (Scottish Government version, 11 November 2010 reproduced in **Annex A**).

### Duties and Responsibilities

1. The staff of the Judicial Appointments Board for Scotland (hereafter referred to as “the Board”) should familiarise themselves with the contents of the Code and should act in accordance with the principles set out in it.
2. The staff of the Board have a duty:
  - to discharge public functions reasonably and according to the law; and
  - to recognise ethical standards governing particular professions.

The senior full-time official, who is usually designated as accounting officer, has overall responsibility for propriety in a broad sense, including conduct and discipline.

### Accountability

3. The staff should be aware:
  - of their accountability to the Board which they serve, noting the Board is independent of the Scottish Government;
  - of the respective roles of the sponsor directorate and the Board as set out in the Framework Document;
  - that the Minister responsible for the body is ultimately accountable to Parliament for its independence, effectiveness and efficiency.

A separate Code of Conduct applies to the Board members.

4. The staff should conduct themselves with honesty, integrity, objectivity, and impartiality. They should not deceive or knowingly mislead the Board, the sponsor directorate, Ministers, Parliament or the public.

## **Conflicts of Interest**

5. The staff should abide by the rules adopted by the public body in relation to private interest and possible conflict with public duty; the disclosure of official information; and political activities. They should not misuse their official position or information acquired in their official duties to further their private interests or those of others. Key members of staff, such as the Chief Executive, Secretary to the Board, managers of large contracts, and staff working on such contracts, should ensure that any possible conflict of interest are identified at an early stage and that appropriate action is taken to resolve them.

## **Integrity**

6. The staff should not use their official position to receive, agree to accept or attempt to obtain any payment or 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 Bribery Act 2010, 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.

## **Relations with the Public**

7. The staff who deal with the affairs of the public should do so sympathetically, efficiently, promptly and without bias or maladministration. The staff should offer the public the highest standards of conduct and service.

## **Use of Resources**

8. The staff should endeavour to ensure the proper, economical, effective and efficient use of resources.

## **Confidentiality**

9. The staff owe a general duty of confidentiality to the Board under civil law. They are therefore required to protect official information held in confidence. The Official Secrets Act 1989 applies to any member of the public who has, or has had, official information in their possession. The Act makes unlawful disclosure of certain limited categories of information (for example security and intelligence, defence, international relations, and information which may lead to the commission of crime) a criminal offence. The Act applies explicitly to those staff of Non-Departmental Public Bodies (NDPBs) who are Crown servants, and to the staff of a small number of NDPBs listed in the Act.

## Data Protection

10. The staff should be aware of their obligations under the Data Protection Act 1998 and Freedom of Information (Scotland) Act (2002). Guidance on this legislation can be obtained from the Scottish Information Commissioner ([www.itspublicknowledge.info](http://www.itspublicknowledge.info)).

## Staff concerns about Improper Conduct

11. If a member of the staff 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; or
  - is otherwise inconsistent with this Code;

he or she should either raise the matter through their line management or else approach in confidence a nominated official or the Board member entrusted with the duty of investigating staff concerns about illegal, improper or unethical behaviour. Staff should also draw attention to cases where:

- they believe there is evidence of irregular or improper behaviour elsewhere in the organisation, but where they have not been personally involved;
  - there is evidence of criminal or unlawful activity by others;
  - they are required to act in a way which, for them, raises a fundamental issue of conscience.
12. Where a member of staff has reported a matter covered in paragraph 11 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 a nominated official in the sponsor directorate who will investigate the matter further.
  13. Staff should be aware of the provisions of the Public Interest Disclosure Act 1998, which protects individuals who make certain disclosures of information in the public interest.

## After leaving employment

14. The staff should continue to observe their duty of confidentiality (see paragraph 9 above) after they have left the employment of the public body and should be aware of and abide by any rules on the acceptance of business appointments after resignation or retirement. Chapter 4.2 of the Civil Service Management Code deals with this issue and should be consulted in line with parallel arrangements in the Civil Service.



Adopted by the Board: 8<sup>th</sup> June 2009

First review: 14<sup>th</sup> November 2011

Second review: 12<sup>th</sup> November 2012

Third review: 17<sup>th</sup> November 2014

Fourth review 20<sup>th</sup> September 2016

Next review September 2018

## **ANNEX A**

# **CIVIL SERVICE CODE**



## **CIVIL SERVICE CODE**

Presented to Parliament pursuant to section 5 (5) of the *Constitutional Reform and Governance Act 2010*

Presented to the Scottish Parliament pursuant to section 5 (6) of the *Constitutional Reform and Governance Act 2010*

Scottish Government Laying Number: SG/2010/247

## Civil Service values

1. The statutory basis for the management of the Civil Service is set out in Part 1 of the Constitutional Reform and Governance Act 2010.
2. The Civil Service is an integral and key part of the government of the United Kingdom<sup>1</sup>. It supports the UK Government and Devolved Administrations of the day in developing and implementing their policies, and in delivering public services. As a civil servant, you are accountable to Scottish Ministers, who in turn are accountable to the Scottish Parliament<sup>2</sup>.
3. As a civil servant, you are appointed on merit on the basis of fair and open competition and are expected to carry out your role with dedication and a commitment to the Civil Service and its core values: integrity, honesty, objectivity and impartiality. In this Code:
  - ‘integrity’ is putting the obligations of public service above your own personal interests;
  - ‘honesty’ is being truthful and open;
  - ‘objectivity’ is basing your advice and decisions on rigorous analysis of the evidence; and
  - ‘impartiality’ is acting solely according to the merits of the case and serving equally well Governments of different political persuasions.
4. These core values support good government and ensure the achievement of the highest possible standards in all that the Civil Service does. This in turn helps the Civil Service to gain and retain the respect of Ministers, Parliament, the public and its customers.
5. This Code<sup>3</sup> sets out the standards of behaviour expected of you and other civil servants. These are based on the core values which are set out in legislation. The

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<sup>1</sup> This Code applies to all civil servants working for the Scottish Executive and its Agencies. Other civil servants have their own separate versions of the Code. Similar Codes apply to the Northern Ireland Civil Service and the Diplomatic Service.

<sup>2</sup> Civil servants advising Ministers should be aware of the constitutional significance of the Scottish Parliament and of the conventions governing the relationship between the Scottish Parliament and the Scottish Executive.

<sup>3</sup> The respective responsibilities placed on Scottish Ministers and special advisers in relation to the Civil Service are set out in their Codes of Conduct: [www.scotland.gov.uk/Publications/2003/08/17996/25268](http://www.scotland.gov.uk/Publications/2003/08/17996/25268) and [www.cabinetoffice.gov.uk/propriety\\_and\\_ethics](http://www.cabinetoffice.gov.uk/propriety_and_ethics). Special advisers are also covered by this Civil Service Code except, in recognition of their specific role, the requirements for objectivity and impartiality (paras 10-15 below).

Scottish Executive's Aim, Vision and Values and individual Agencies' own separate mission and values statements are based on the core values, and include the standards of behaviour expected of you when you deal with your colleagues.

## Standards of behaviour

### Integrity

6. You must:

- fulfil your duties and obligations responsibly;
- always act in a way that is professional<sup>4</sup> and that deserves and retains the confidence of all those with whom you have dealings<sup>5</sup>;
- carry out your fiduciary obligations responsibly (that is make sure public money and resources are used properly and efficiently);
- deal with the public and their affairs fairly, efficiently, promptly, effectively and sensitively, to the best of your ability;
- keep accurate official records and handle information as openly as possible within the legal framework; and
- comply with the law and uphold the administration of justice.

7. You must not:

- misuse your official position, for example by using information acquired in the course of your official duties to further your private interests or those of others;
- accept gifts or hospitality or receive other benefits from anyone which might reasonably be seen to compromise your personal judgement or integrity; or
- disclose official information without authority. This duty continues to apply after you leave the Civil Service.

### Honesty

8. You must:

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<sup>4</sup> Including taking account of ethical standards governing particular professions.

<sup>5</sup> Including a particular recognition of the importance of cooperation and mutual respect between civil servants working for the Scottish Executive and the UK Governments and other devolved administrations, and vice-versa.

- set out the facts and relevant issues truthfully, and correct any errors as soon as possible; and
- use resources only for the authorised public purposes for which they are provided.

9. You must not:

- deceive or knowingly mislead Ministers, Parliament or others; or
- be influenced by improper pressures from others or the prospect of personal gain.

**Objectivity**

10. You must:

- provide information and advice, including advice to Ministers, on the basis of the evidence, and accurately present the options and facts;
- take decisions on the merits of the case; and
- take due account of expert and professional advice.

11. You must not:

- ignore inconvenient facts or relevant considerations when providing advice or making decisions; or
- frustrate the implementation of policies once decisions are taken by declining to take, or abstaining from, action which flows from those decisions.



## **Impartiality**

12. You must:

- carry out your responsibilities in a way that is fair, just and equitable and reflects the Civil Service commitment to equality and diversity.

13. You must not:

- act in a way that unjustifiably favours or discriminates against particular individuals or interests.

## **Political impartiality**

14. You must:

- serve the Government, whatever its political composition, to the best of your ability in a way which maintains political impartiality and is in line with the requirements of this Code, no matter what your own political beliefs are;
- act in a way which deserves and retains the confidence of Ministers, while at the same time ensuring that you will be able to establish the same relationship with those whom you may be required to serve in some future Government; and
- comply with any restrictions that have been laid down on your political activities.

15. You must not:

- act in a way that is determined by party political considerations, or use official resources for party political purposes; or
- allow your personal political views to determine any advice you give or your actions.

## **Rights and responsibilities**

16. The Scottish Executive and its Agencies have a duty to make you aware of this Code and its values. If you believe that you are being required to act in a way which conflicts with this Code, the Scottish Executive, or the Agency in which you work, must consider your concern, and make sure that you are not penalised for raising it.

17. If you have a concern, you should start by talking to your line manager or someone else in your line management chain. If for any reason you would find this difficult, you

should raise the matter with a nominated officer who has been appointed to advise staff on the Code.

18. If you become aware of actions by others which you believe conflict with this Code you should report this to your line manager or someone else in your line management chain; alternatively you may wish to seek advice from your nominated officer. You should report evidence of criminal or unlawful activity to the police or other appropriate regulatory authorities. This Code does not cover HR management issues.

19. If you have raised a matter covered in paragraphs 16 to 18, in accordance with the relevant procedures<sup>6</sup>, and do not receive what you consider to be a reasonable response, you may report the matter to the Civil Service Commission<sup>7</sup>. The Commission will also consider taking a complaint direct. Its address is:

3rd Floor, 35 Great Smith Street, London SW1P 3BQ.  
Tel: 020 7276 2613  
email: [info@civilservicecommission.org.uk](mailto:info@civilservicecommission.org.uk)

If the matter cannot be resolved using the procedures set out above, and you feel you cannot carry out the instructions you have been given, you will have to resign from the Civil Service.

20. This Code is part of the contractual relationship between you and your employer. It sets out the high standards of behaviour expected of you which follow from your position in public and national life as a civil servant. You can take pride in living up to these values.

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<sup>6</sup> The whistleblowing legislation (the Public Interest Disclosure Act 1998) may also apply in some circumstances. The Directory of Civil Service Guidance and the Civil Service Management Code give more information: [www.cabinetoffice.gov.uk/conduct-ethics/civil-service.aspx](http://www.cabinetoffice.gov.uk/conduct-ethics/civil-service.aspx).

<sup>7</sup> The Civil Service Commission's Guide to Bringing a Complaint gives more information, available on the Commission's website: [www.civilservicecommission.org.uk](http://www.civilservicecommission.org.uk).