
Code of conduct for staff

Introduction

1. This document sets out a Code of Conduct for staff of the Scottish Further and Higher Education Funding Council. It is based on the model code for staff of Non-Departmental Public Bodies which has been developed by the Cabinet Office and exists primarily to outline the standards of conduct expected from employees of the Council in their role as public servants.
2. However, from a wider perspective all employees of the Council have a duty to ensure that their standards of behaviour are appropriate to the workplace and that account is taken of the Council's published policies, procedures and guidance that relate to behaviour and conduct whilst working for the Council including:
 - Equality and Diversity Policy.
 - Dignity and Respect at Work.
 - Disciplinary procedure.
 - Political activity guidance.
 - The Council's values.

Duties and responsibilities

3. Staff of the Council should familiarise themselves with the contents of the Code and should act in accordance with the principles set out in it.
4. Staff of the Council have a duty:
 - To discharge public functions reasonably and according to the law.
 - To recognise ethical standards governing particular professions.
 - To comply with the Council's policies and procedures including those concerning equal opportunities, conduct and discipline.
 - To ensure that in carrying out their day to day work they do nothing which could reasonably be construed as politically motivated (see separate Council guidance on Political Activities).
5. In the event that staff breach the standards of the Code of Conduct they may be subject to disciplinary action. The Chief Executive has overall responsibility, working under the Council, for propriety in a broad sense, including conduct and discipline.

Accountability

6. Staff of the Council should be aware:
 - Of their accountability to the Chief Executive and to the Council.
 - Of the respective roles of the sponsor department and the Council as set out in the Management Statement.
 - That the Minister responsible for the Council is ultimately accountable to Parliament for its independence, effectiveness and efficiency.
7. Staff of the Council should conduct themselves with integrity, impartiality and honesty. They should not deceive or knowingly mislead the Council, the sponsor 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.

Conflicts of interest

8. Staff should abide by the rules adopted by the Council (which are set out in the Council's staff handbook, staff contracts and elsewhere) 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. Senior members of staff and programme managers should ensure that any possible conflicts of interest are identified at an early stage and that appropriate action is taken to resolve them.

Integrity

9. Staff of the Council should not use their official position to receive, agree to accept or attempt to obtain 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 a bribe or attempt to corrupt them.

Relations with the public

10. In cases where staff of the Council are dealing directly with members of the public they should do so sympathetically, efficiently, promptly and without bias or maladministration. Staff of public bodies should offer the public the highest standards of conduct and service.

Use of resources

11. Staff of the Council should endeavour to ensure the proper, economical, effective and efficient use of resources.

Official information

12. Staff of public bodies owe a general duty of confidentiality to their employer at common law. They are therefore required to protect official information held in confidence. Nothing in the 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 openness adopted by the Council.

Data Protection and Freedom of Information

13. Staff should be aware of their obligations under the General Data Protection Regulation, Data Protection Act (2018), the Freedom of Information Act (Scotland) Regulation 2004. Guidance on this legislation can be obtained from the SFC's Information Management and Governance Officer, our information management policies or direct from the [UK Information Commissioner's Office](#) (for data protection) and the [Scottish Information Commissioner's Office](#) for freedom of information.

Staff concerns about improper conduct

14. Under the Public Interest Disclosure Act 1998 protection in law was given to individuals who make certain disclosures of information in the public interest (an action commonly referred to as "*whistle-blowing*"). The 1998 Act has been amended by the Enterprise and Regulatory Reform Act 2013. The right to make a public interest disclosure is extended to anyone within the workplace – this includes employees of the Council, secondees, agency workers and contractors.
15. The Act is designed to offer protection to a person who discloses such concerns, if:
 - The disclosure is not made for the purposes of personal gain.
 - Given the circumstances of the case, it is reasonable for the disclosure to be made.
 - The person reasonably believes that they will be subject to a detriment of his employer if they make a disclosure to the employer, or if evidence relating to the disclosure will be concealed or destroyed.
16. 'Whistle-blowing' can be defined as 'the act of bringing to the attention of an appropriate body a concern over a threat to the public interest caused by malpractice or misconduct'.

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17. Qualifying disclosures – the Act provides protection for an individual who raises a legitimate concern about specified matters. A qualifying disclosure is one made in the public interest by a worker who has a reasonable belief one of the following is being, has been or is likely to be committed:
 - A criminal offence.
 - A miscarriage of justice.
 - An act creating risk to health and safety.
 - An act causing damage to the environment.
 - A breach of any other legal obligation; or
 - Concealment of any of the above.
 18. From June 2013 “Whistleblowing” is about making a disclosure which is in the public interest. This means that employees will generally be precluded from raising issues about their terms and conditions of employment via the whistleblowing procedure – such claims should instead be raised via the Council’s Grievance Procedure or by contacting Human Resources.
 19. It is a fundamental term of every contract of employment that an employee will faithfully serve his or her employer and not disclose confidential information about the employers’ affairs. Where, however, an individual discovers information which they believe shows malpractice/wrongdoing within the organisation then this information should be disclosed without fear of reprisal, and may be made independently of line management.
 20. The Council’s procedure for whistleblowing is outlined below but fuller details can be found in Section 15 of the [Financial Procedures Manual](#). The Financial Procedures Manual is subject to periodic review via Finance, The Chief Executive and the Council’s Audit and Compliance Committee.
 21. If staff of the Council believe they are 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 they should either raise the matter through the management line or approach in confidence the Secretary to the Council, who is responsible for the investigation of staff concerns about illegal, improper or unethical behaviour. Further recourse in such instances should be to the Chief Executive and to the Chair of the Council or, as an alternative, to a member of the Council.
 22. 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; or

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- There is evidence of criminal or unlawful activity by others; or
 - They are required to act in a way which, for them, raises a fundamental issue of conscience.
23. Where a member of staff has reported a matter covered in paragraphs 10, 13 or 21 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 Director-General Learning and Justice at the Scottish Government.

After leaving employment

24. Staff of the Council should continue to observe their duty of confidentiality (see paragraph 12) after they have left the Council's employment.

Document history

This Policy and Procedure is a contractual document. It is negotiated between Management and Unite collectively on behalf of staff.

Version number	Changes	Date approved
1.0	-	15/01/2019 Ratified by JNCF