



<b>Policy Title: Staff Code of Conduct</b>	<b>Policy Number: HR-POL-03</b>
<b>Issue Number: 07</b>	<b>Date of first issue: June 2021</b>
<b>Date of last review: August 2023</b>	<b>Date of next review: August 2026</b>
<b>Lead person (title): HR Manager</b>	<b>Approved by: Executive Leadership Team</b>
	<b>Date approved: 22 August 2023</b>

### General Note

The Mental Welfare Commission acknowledges and agrees with the importance of regular and timely review of policy statement and aims to review policies within the timescales set out.

New policies will be subject to a review date of no more than one year from the date of first issue.

Reviewed policies will have a review date set that is relevant to the content (advised by the author) but will be no longer than three years.

If a policy is past its review date then the content will remain extant until such time as the policy review is complete and the new version published.

<b>1.</b>	<b>Policy Statement</b>
	<p>The purpose of the Staff Code of Conduct is to give employees guidance on matters regarding the standard of business conduct expected.</p> <p>This code of conduct does not form part of any contract of employment or contract to provide services, and we may amend it at any time.</p>
<b>2.</b>	<b>Scope</b>
	<p>This Code of Conduct applies to all directly employed staff of the Commission. Board members are covered by the Standards in Public Life Code of Conduct for members of Public Bodies and the Commission's Board Members' Code of Conduct.</p> <p>In line with our Equality, Diversity, Inclusion and Human Rights Policy HR-POL-04, the Commission will ensure the prevention and elimination of discrimination between persons on grounds of the Equality Act 2010 Protected Characteristics: age, disability, gender reassignment, marriage or civil partnership, religion or belief, pregnancy or maternity, race, sex and sexual orientation.</p>
<b>3.</b>	<b>Definitions</b>
	None

<b>4.</b>	<b>Roles &amp; responsibilities</b>	
	Who is responsible for applying this policy:	
	<b>4.1</b>	<b>Executive Leadership Team</b>
		<ul style="list-style-type: none"> <li>To aspire to the highest standards of corporate behaviour and responsibility and lead a positive culture to ensure organisational compliance.</li> <li>To act in line with the Code at all times.</li> </ul>
	<b>4.2</b>	<b>Line Managers</b>
		<ul style="list-style-type: none"> <li>To ensure standards in the code are established, communicated and understood and take appropriate action to manage non-compliance.</li> <li>To act in line with the Code at all times.</li> </ul>
	<b>4.3</b>	<b>All Employees have a responsibility to:</b>
		<ul style="list-style-type: none"> <li>To act in line with the Code at all times.</li> <li>To ensure behaviour (at work or outside of work) or whilst representing the Commission, does not reflect negatively on the Commission in a way that would bring its reputation into disrepute.</li> <li>To act professionally in dealings with colleagues to take appropriate action if made aware of or are witness to any improper conduct, including any act of harassment or discrimination (see Section 5.6 below). For further information please refer to the HR-POL-11 Dignity at Work policy.</li> </ul>

<b>5.</b>	<b>Operational system</b>	
	<b>5.1</b>	<b>General Principles</b>
		Employees of the Commission should not put themselves in a position where their official and private interests conflict. Employees should not make use of their official positions to further their private interests: gifts or hospitality should not normally be accepted.
	<b>5.2</b>	<b>Activities Involving the Use of Official Information or Experience</b>
		<p>All Commission employees are required to obtain permission from the Chief Executive before undertaking any form of private work which involves the use of official Commission information or their Commission experience.</p> <p>All Commission employees who carry out private work, must ensure that no work-related Commission information is used for the private work.</p> <p>Where an employee is any doubt about whether the work in a private capacity or as a representative of the Commission, they should consult their line manager.</p>
	<b>5.3</b>	<b>Media Work</b>
		<p>Broadcasts or television appearances by employees of the Commission on matters relating to the work of the Commission should be regarded as official and no question of payment to individuals will normally arise.</p> <p>The Media and Social Media policy gives full information on the organisation's approach to Media/Social Media.</p>

	<b>5.4</b>	<b>Secondary Employment</b>
		<p>Employees of the Commission are not allowed to accept any outside employment which would require their attendance at any time during their normal working hours with the Commission. Employees should notify the Commission if they propose to take up outside employment which would, when both or more employments are combined, result in their average working week exceeding 48 hours, the maximum working week laid down in the Working Time Regulations 1998.</p> <p>Employees are advised not to engage in outside employment which may conflict with their Commission work or be detrimental to it. Employees may not be a member or employee of the Mental Health Tribunal for Scotland while working with the Commission. Please refer to Conflict of Interest Policy 21.</p>
	<b>5.5</b>	<b>Confidentiality</b>
		<p>Employees of the Commission have a duty to respect the requirements of confidentiality in the performance of Commission business. Notwithstanding this, there are times where it is appropriate to share information with other outside bodies in the course of carrying out the duties of the Commission. Before sharing information, an employee may find it helpful to obtain advice from the Information Governance Manager. If it relates to patient / service user information, the Executive Director (Medical), in role as Caldicott Guardian, should be consulted.</p> <p>No employee of the Commission shall use for their own benefit or gain, or divulge to any persons, firms, companies or other organisation whatsoever, any confidential information belonging to the Commission, or relating to its affairs or dealings which may come to the employee's knowledge during the course of their duties.</p> <p>Notwithstanding this, any employee who has genuine concerns about operational issues and service delivery, particularly if the concerns relate to health and safety, malpractice or fraud, has a right to raise these and, indeed, has a responsibility to do so. These concerns should be raised with the employee's line manager or Director or in accordance with the guidelines in the Public Interest Disclosure Policy.</p> <p>To ensure security and confidentiality of information all staff have a responsibility to lock away all relevant paperwork at night or when they will be out of their workspace (office or home) for most of the day. Staff also have a responsibility to ensure that confidential information is not left at communal printers or photocopiers. If an employee is working from home, all matters relating to the work of the Commission are either to be locked away and or secured in line with data protection and IT guidance. When working from home, employees need to be mindful of other householders and what they may be able to hear and see during the course of the working day.</p>
	<b>5.6</b>	<b>Relationships with Colleagues and Others</b>
		<p>Employees of the Commission are expected to act responsibly and respectfully in the course of their contact with external parties in carrying out Commission business and in their interaction with colleagues. In this context, employees should refrain from acting in a manner which could be construed as intimidation, derogatory behaviour or as harassment, or in any manner which could have the effect of undermining the individual(s) with whom the employee is in contact. <i>Please refer to the HR-POL-11 Dignity at Work Policy for further guidance and support.</i></p>
	<b>5.7</b>	<b>Identifying and declaring a personal relationship at work</b>
Document: Policy Template		Version No: 1.0
Author: Policy & Procedures Group		Version date: 09/11/2022
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		<p>Employees should declare to their line manager any existing or new personal relationship at work.</p> <p>For the purposes of this Policy a personal relationship is defined as:</p> <ul style="list-style-type: none"> <li>• A family relationship</li> <li>• A business / commercial / financial relationship</li> <li>• A romantic / sexual relationship</li> </ul> <p>The above definitions are examples of personal relationships which may give rise to conflicts of interest in the workplace, abuse of power or more or less favourable treatment, however personal relationships are not restricted to these examples and therefore this should not be read as an exhaustive list.</p> <p>The line manager will treat these matters in confidence and in consultation with the employee, will find ways in which these potential conflicts can be avoided. It is recommended that discussions with HR take place to establish a suitable approach and parameters. Line managers, and individuals themselves, must ensure that personal relationships are not allowed to influence individuals' conduct at work or to be a barrier to effective communication and co-operation.</p> <p>Circumstances may exist where the provision of a service requires prioritisation over existing relationships. The processes within such circumstances must be identified and steps taken to establish robust governance processes which will protect all parties involved as well as the organisation.</p> <p>To avoid a situation where one party has managerial responsibility over the other, then the Commission reserves the right to elect to transfer one or both parties to another role. In these circumstances, the Commission will consult with both parties and seek to reach a satisfactory solution to one or both parties transferring if this is an option, bearing in mind the size of the organisation.</p>
	<b>5.8</b>	<p><b>Personal Relationships with Patients/Service Users</b></p>
		<p>Employees must not engage in personal relationships with patients/service users that they have met as a result of their employment. It is the responsibility of the employee to maintain each relationship within its own appropriate boundary. Employees may experience vulnerable patients/service users disclosing intimate or personal matters, which allow potential for these discussions to be misinterpreted.</p> <p>If an employee becomes subject to inappropriate comments or behaviours from a patient/service user, they must inform their line manager immediately by contacting them via a phone call which must then be followed up with an email to their line manager or more senior manager with comprehensive details of the incident.</p> <p>If an employee becomes concerned that a personal relationship is developing between a colleague and a patient/service user, they have a responsibility to inform their line manager or more senior manager. Employees must email or write to their line manager or more senior manager giving comprehensive details of their concerns.</p> <p>Where an employee is not comfortable with these options, they may consider raising their concerns with HR.</p>

		Where an individual is a member of a professional body, as part of their role in the Commission, it is also their responsibility to adhere to the professional code of conduct, relating to personal relationships in the workplace.
	<b>5.9</b>	<b>Contracts and Use of Services of Commission Contractors</b>
		All employees of the Commission must notify their line manager of any financial interests or relationship with any manufacturer, supplier or contractor with whom the Commission has or is likely to enter into a contractual relationship.  No employee of the Commission may purchase goods from, or use the services of, a contractor on preferential terms for private purposes, if these terms are given directly or indirectly because of the contractual or other official business relationship between the contractor and the Commission.
	<b>5.10</b>	<b>Acceptance of Gifts and Hospitality</b>
		Employees should, under no circumstances, accept any gift or consideration which may, or may be presumed to, influence a purchasing decision. As a guiding principle, casual gifts offered by contractors or others, e.g. at Christmas time, should normally be declined. Articles of low intrinsic value such as diaries, calendars or other desktop items with a retail value of less than £15.00 need not necessarily be refused. Cash or cash equivalents (including gift vouchers) should not be accepted. Modest hospitality provided it is normal and reasonable in the circumstances, e.g. lunches in the course of working visits, may be acceptable, though it should be similar in principle to the scale of hospitality which the Commission as an employer would be likely to offer. If in doubt, employees should seek guidance from the Chief Executive.
	<b>5.11</b>	<b>Gifts</b>
		On most occasions, employees should not accept gifts from individuals the Commission provides services to unless there is a view that psychological harm or distress may be caused by declining the gift.  All Gifts and Hospitality offered should be recorded by HR on a Register for Gifts and Hospitality.
	<b>5.12</b>	<b>Procedures for Submission</b>
		The information required for the Register of Gifts and Hospitality is set out on the Declaration Form (Appendix A), which is available on the intranet.  Submissions should be made as soon as is practically possible and no later than a month following receipt. The submission form should be used to record the offer of gifts or hospitality whether accepted or declined. One form should be submitted per employee, for example if a gift is received for 3 members of staff, a separate form should be completed by each of the three employees and authorised by their line manager or senior manager, as appropriate, before submission to HR.
	<b>5.13</b>	<b>Use of Official Accommodation and Equipment</b>
		No employee of the Commission may make use of, or make available for use, official accommodation and equipment for private purposes without the prior permission of the Chief Executive.  Employees should not make inappropriate or other unauthorised use of IT systems e.g. e-mail and Internet access. The Commission's IT security policy and IT Code of Conduct provide further guidance. If you remain unclear, advice is also available from the Systems Administrator or the Information Governance Manager.
	<b>5.14</b>	<b>Conduct outwith working hours</b>

		<p>In line with Article 8 of the European Convention on Human Rights, the Commission respects employee's right to private and family life. The Commission requires employees to exercise this right with responsibility to ensure their private activities do not bring the work of the Commission into disrepute.</p> <p>Where employees have concerns regarding their work or colleagues, these issues should be raised in the first instance with their line manager. Employees should refrain from discussing or making negative statements publicly, including via the internet, social networking sites, by email, or with non-Commission employees.</p> <p>In addition, employees should be aware that membership or involvement with organisations or activities whose values are inconsistent with those of the Commission will create reasonable doubt of the employee's ability to comply with this code.</p> <p>Any activity or communication, including forms of social media, outside of work which is considered to be in conflict with the principles of this Code may result in a disciplinary investigation in accordance with the Commission's Disciplinary Procedures. Employees should seek advice from line managers or Human Resources in advance of taking part in any event or activity which may fall into this category. Employees must also advise their line manager as soon as practicable if inadvertently found in a situation which could reflect negatively on the Commission. Employees must not knowingly put themselves in a position where private interests conflict with those of the Commission. Any conflict of interest must be resolved in the Commission's favour.</p>
<b>6.</b>		<b>Risk Management</b>
		Monitoring and review of the policy and provision of statistics/information to Executive team.
<b>7.</b>		<b>Related Documents</b>
		<p>See Appendix A – Gifts and Hospitality Declaration Form</p> <p>Conflict of Interest Policy</p> <p>Bullying &amp; Harassment Policy</p> <p>Public Interest Disclosure Policy</p> <p>IT Code of Conduct</p> <p>IT Security Policy</p>

## Appendix A

### GIFTS AND HOSPITALITY DECLARATION FORM

Sections A and B of this form should be completed by the recipient to declare gifts and hospitality accepted or declined and should be done so within one month of the offer or as soon as practicable thereafter. The approving Line Manager / Executive Team Member should complete Section C as appropriate.

#### Section A

Date offered:	
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Recipient:	
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Job title:	
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Team:	
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Offered by:	
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Organisation/Team/Individual Name:	
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Reason Offered:	
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Description of gift / hospitality:	
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Estimated Value:	
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Does acceptance present actual or potential conflict of interest? <input type="checkbox"/> Yes <input type="checkbox"/> No
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Description of Interest:	
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Decision: <input type="checkbox"/> Accepted <input type="checkbox"/> Declined <input type="checkbox"/> Date received
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## Section B

### Recipient Declaration:

The bribery Act 2010 makes it a criminal offence to request, agree to receive or to accept a bribe.

Signature of recipient:

Date:

## Section C – Approval from Line Manager

Name of approver (please print)

Job Title:

Signature:

Date form approved:

Comments

Additional comments in relation to this declaration should be provided below:

## For Internal Use Only by HR

Gifts and Hospitality Register updated:

Name (please print):

Job Title:

Signature:

Date Registered: