



## HUMAN RESOURCES

## CODE OF CONDUCT

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# PEOPLE AND ORGANISATIONAL DEVELOPMENT

## HUMAN RESOURCES

### CODE OF CONDUCT

1. [INTRODUCTION](#)
2. [STANDARDS OF CONDUCT](#)
3. [PERSONAL CONDUCT](#)
4. [SMOKING AND THE USE OF ALCOHOL, DRUGS AND ILLEGAL SUBSTANCES AT WORK](#)
5. [DECLARING CHARGES / CRIMINAL CONVICTIONS](#)
6. [FINANCIAL PAYMENTS / DIFFICULTIES](#)
7. [SOCIAL MEDIA](#)
8. [WORK-RELATED SOCIAL EVENTS](#)
9. [RELATIONSHIPS](#)
10. [FAIRNESS AND EQUALITY](#)

11. [OPERATION OF POLICIES](#)
12. [STANDARDS OF DRESS](#)
13. [POLITICAL NEUTRALITY](#)
14. [CONFLICT OF INTEREST](#)
15. [USE OF SFRS EQUIPMENT OR RESOURCES](#)
16. [INFORMATION ACCESS AND CONFIDENTIALITY](#)
17. [DISCLOSURE OF INFORMATION](#)
18. [RIGHTS AS A CITIZEN](#)
19. [THE BRIBERY ACT 2010](#)
20. [FURTHER INFORMATION](#)
21. [CONSULTATION](#)
22. [ASSOCIATED DOCUMENTS / REFERENCES](#)

## 1. INTRODUCTION

Scottish Fire and Rescue Service (SFRS) is a public body, funded from public resources, accountable to the Scottish Government, the Scottish Parliament and members of the public. The Scottish public has a high expectation of those who are employed by the SFRS and the way in which they conduct themselves in undertaking their duties. It follows that, in the course of employment with SFRS, all employees are obliged to perform their duties with integrity, impartiality and efficiency. The following Code of Conduct ('the Code') sets out the standards that all SFRS employees are expected to meet, in a number of areas relating to behaviour and conduct, both during and outwith working hours. This Code may be amended at any time, subject to the normal negotiation and consultation process with the Trade Unions.

The Code does not affect the rights and responsibilities of employees under both common and statutory law. Its purpose is to provide additional clear and helpful instruction. All employees must comply with the Code, in so far as it applies to their particular role within SFRS. Failure to comply with the Code, in whole or in part, may give rise to a fact-finding investigation and subsequent potential disciplinary action. In the event that an employee feels they have difficulty in meeting the standards of the Code, they should immediately advise their line manager, the HR Department or a Trade Union Representative.

The Code is applicable to all employees, including permanent, temporary and fixed term staff (even if seconded to other organisations), but also applies to workers of SFRS, e.g. agency staff, contractors, staff seconded to SFRS, work experience placements or volunteers.

## **2. STANDARDS OF CONDUCT**

The general principles upon which the Code is based are as follows:

### **DUTY**

Employees have a responsibility to observe and act in accordance with the law and the public trust placed in them. They have a duty to act in the interests of SFRS and in accordance with the core tasks of that body.

### **SELFLESSNESS**

Employees have a duty to take decisions solely in terms of public interest. They must not act in order to gain financial or other material benefit for themselves, their family or friends.

### **INTEGRITY**

Employees must not place themselves under any financial or other obligation to any individual or organisation that influences them in the performance of their duties.

### **OBJECTIVITY**

Employees must make decisions solely on merit when carrying out public business, including making appointments, awarding contracts or recommending individuals for rewards and benefits.

### **ACCOUNTABILITY AND STEWARDSHIP**

Employees are accountable to the public for their decisions and actions. They have a duty to consider issues on their merits, taking account of the views of others, and must ensure that SFRS uses its resources prudently and in accordance with the law.

## **OPENNESS**

Employees have a duty to be as open as possible about their decisions and actions, giving reasons for their decisions and restricting information only when the wider public interest clearly demands.

## **HONESTY**

Employees have a duty to act honestly. They must declare any private interests relating to their public duties and take steps to resolve any conflicts arising in a way that protects the public interest.

## **LEADERSHIP**

Employees are expected to promote and support these principles by leadership and the setting of personal example, in order to maintain and strengthen the public's trust and confidence in the integrity of SFRS and its members in conducting public business.

## **RESPECT**

Employees must respect fellow employees and members of SFRS and the role they play, treating them with dignity and courtesy at all times. Similarly, they must respect members of the public when performing duties as an employee of SFRS.

### **3. PERSONAL CONDUCT**

Employees should be aware of how they behave both during and outwith working hours and how this may reflect upon the image of the organisation.

#### **4. SMOKING AND THE USE OF ALCOHOL, DRUGS AND ILLEGAL SUBSTANCES AT WORK**

SFRS is committed to providing a safe, healthy and productive working environment for all its staff, business partners and visitors. This includes ensuring that all staff are fit to carry out their jobs safely and effectively in a working environment which is free from alcohol, drug and substance misuse.

Employees must not attend work under the influence of alcohol or any drugs/substance which may affect their ability to undertake their duties safely and effectively and damage the public image of SFRS. Any employee who attends work under the influence of either alcohol or illegal or controlled drugs will be liable to action under SFRS's disciplinary proceedings. Any employee who has a problem with alcohol or drug dependency may seek help by contacting Health and Wellbeing or the Employee Counselling Service.

The Service prohibits smoking and the use of e-cigarettes within SFRS premises and vehicles; however, there are designated areas where this is permitted.

Employees must therefore comply at all times with the No Smoking Policy.

#### **5. DECLARING CHARGES / CRIMINAL CONVICTIONS**

An employee charged with a criminal offence must advise their line manager immediately. Thereafter, the employee must inform their line manager of the outcome of any trial that may take place and/or of any conviction(s) that are passed against them. To ensure that serious offences requiring further investigation are not missed, line managers should inform their LSO/Head of Department as soon as possible of any offences reported to them.

Employees must therefore comply at all times with the Employment and Criminal Convictions Policy.

## **6. FINANCIAL PAYMENTS / DIFFICULTIES**

Employees have a duty to make any payments due to SFRS in good time. Where an individual is experiencing difficulties in making payments, the Finance Directorate should be contacted and reasonable endeavours will be made to assist.

## **7. SOCIAL MEDIA**

Social Media sites, such as Facebook and Twitter, are a useful way for keeping in touch with friends, family and colleagues and a useful way for exchanging information and news. However, employees who use social media sites should be mindful that they may be more vulnerable, due to the public profile of SFRS, and should therefore be aware that, as an employee of SFRS, they must not post anything which may bring the organisation into disrepute or shall clearly cause distress or offence to fellow colleagues or members of the public through their use of such sites.

Whilst there is no intention to restrict any proper and sensible exercise of the individual's rights and freedoms, it is expected that all staff will conduct themselves in such a way as to avoid bringing the organisation into disrepute or compromising its effectiveness or the security of its operations and assets.

All staff should be aware that the organisation takes the posting of offensive material and the harassment, bullying or victimisation of its staff or the public via the internet and social media sites during personal time as seriously as if they had occurred in the workplace or during working time. All staff should be aware that any inappropriate posts

made on social media sites may result in action under the SFRS Disciplinary Procedures and, in extreme cases, civil and criminal law.

A breach of any of the following examples may lead to disciplinary action (this list is not exhaustive):

- Employees must not divulge any confidential information or information belonging to SFRS, any SFRS partners, suppliers or stakeholders which is not in the public domain or expand upon such information already available in the public domain without prior written approval from a senior manager.
- Employees must not use open social media channels to raise or discuss any work-related grievances. All employees should pursue work-related grievances via SFRS's agreed procedures.
- If any employees disclose that they work for SFRS, it must be made absolutely clear throughout their communications that any views expressed are personal and do not represent the official position of SFRS.
- Employees should not write a blog in an official capacity, i.e. representing the views of SFRS without permission of Corporate Communications. If, however, they give a personal opinion as an experienced person in a particular field, they must state that it is solely their views and not the view of SFRS.
- Employees must not use any SFRS logo or other copyright material on any of their social networking communications to avoid giving the inference of official SFRS endorsement. Communications in this instance shall include all photos, articles, documents or opinions.
- In order to prevent any photos/footage being uploaded to social media that may compromise SFRS, e.g. inadvertently posting photos of an incident that is a

crime scene or that may be insensitive to victims, e.g. photos/footage of a house fire that enables identification of an individual property or individual, photographs or footage of any operational incident must only be taken by an Officer authorised to do so at operational incidents.

- Whilst off duty, employees should only post photos/footage of operational incidents onto social media sites which a member of the general public in attendance may have taken.
- The SFRS uniform represents the image of the organisation and employees should therefore ensure that, if they are photographed wearing the uniform, it is in a manner that is appropriate and respectful to SFRS.
- Employees must not display images or make comments that are clearly offensive or in any way harass, intimidate, bully, victimise or discriminate against other members of staff or the public on any social networking site.
- Employees who are on sick leave should consider the appropriateness of using social media sites to place posts which may be deemed to be at conflict with any aspect of the SFRS Managing Attendance Policy.
- All employees are reminded that they are required to comply with all ICT policies and procedures, including policies relating to social media.

Employees must therefore comply at all times with the Social Media Policy.

## **8. WORK-RELATED SOCIAL EVENTS**

Whilst employees are entitled to a private life, they must be mindful that inappropriate conduct outside work can reflect on the image and reputation of SFRS and bring it into

disrepute. Therefore, when attending a work-related social event, such as the office or shift's/group's Christmas party or an official event organised by SFRS, employees should be mindful of their conduct and the fact that **such events are viewed as an extension of the workplace** and any incident which occurs during them may be treated as having happened at work. Any inappropriate behaviour, for example physical violence, bullying or harassment or lewd/libidinous conduct, can adversely impact on the reputation of SFRS or future workplace relationships and may result in disciplinary action.

## **9. RELATIONSHIPS**

### **9.1 The Public and Service Users**

Employees having contact with members of the public are required to behave in a courteous and helpful manner. Each member of the public shall be treated fairly, equitably and consistently.

Employee guidelines contained in the organisation's Complaints Procedure are also available from your line manager.

### **9.2 Conduct towards Colleagues**

Employees are expected to treat colleagues with dignity and respect, in accordance with SFRS's policies on Equality and Diversity. All employees are expected to comply with the requirement not to discriminate and to help create a positive working environment free of bullying and harassment.

### **9.3 Interview Panel Members**

Anyone involved within the recruitment and selection process should declare any conflict of interest (personal relationships with the candidate) as soon as they become evident and cannot act as a referee to anyone within that selection process.

## **10. FAIRNESS AND EQUALITY**

Employees are entitled to a working environment free from discriminatory practices, based on dignity and respect and where everyone feels valued for their contribution. This means treating people fairly, accepting differences and acknowledging the contribution of our colleagues and our communities. Any acts of discrimination, harassment or victimisation may be the subject of disciplinary action and may constitute gross misconduct.

If any employee believes that they may have been discriminated against, they are encouraged to raise the matter with a line manager or other appropriate persons. Allegations will be treated in confidence and investigated in accordance with the relevant procedure. Any employee or worker who brings an allegation in good faith or assists in an investigation shall be protected from any form of victimisation regardless of the outcome. Equally, employees who may be involved in instigating or corroborating malicious or fictitious allegations may be subject to the disciplinary procedures. Employees are also expected to report any behaviour of colleagues which fails to comply with the principles of the relevant policy on equality and diversity to their line manager.

## **11. OPERATION OF POLICIES**

### **11.1 Recruitment**

All appointments to SFRS will be made on the basis of merit and in line with the SFRS's Recruitment policies and procedures. A copy of these can be obtained from the SFRS Intranet.

## **11.2 Operation of Human Resources Policies**

Employees involved in the implementation of SFRS's HR policies, for example, the Discipline or Grievance Procedures, must do so fairly and equitably and must declare an interest or relationship to their line manager, whereupon a decision will be made as to whether they can continue to be involved in the process.

## **11.3 Whistleblowing Policy**

The Public Interest Disclosure Act 1998 (PIDA) makes further provisions for the protection of individuals who disclose information about specific issues. The Act gives legal protection to employees against being dismissed or penalised by their employers as a result of publicly disclosing certain serious concerns. The SFRS Whistleblowing Policy is designed to provide employees with an avenue for reporting concerns at work. The policy outlines the procedures and safeguards in place for employees wanting to raise legitimate concerns about specified matters. Therefore, if an employee believes that any employee of SFRS (which includes managers, contractors, fixed term workers and agency staff) is partaking in malpractice or wrongdoing within the organisation and it falls within the definition of a 'qualifying disclosure', then they should report their concerns.

## **11.4 Other Policies**

Employees are required to comply with all SFRS policies and procedures. Employees involved in the operation of other policies involving, for example, the allocation of the SFRS's resources, must declare any interest or relationship with a service user or supplier to their line manager.

## 12. STANDARDS OF DRESS

Every employee within the organisation shall reflect a positive public image, as clients and customers tend to form an opinion based on first impressions, which, especially if they are negative, are hard to change. As an employer, SFRS is entitled to exercise a measure of discretion in controlling its image and this includes giving **reasonable direction** on the appearance of employees, especially when their duties bring them into contact with the public or their manner of dress affects safety or hygiene standards. For the majority of our employees, wearing a uniform is part of their job and therefore their uniform should be maintained in a way that reflects well on the employee and SFRS.

Support staff will be advised of the specific requirements expected regarding personal appearance and dress in relation to their role within the organisation. Generally however, all employees shall adhere to the following minimum corporate standards:

- All employees shall attend for work in a clean and tidy condition and their attire should be appropriate for the position held and not constitute a hazard or be clearly inappropriate.
- Where corporate wear is provided, this must be worn at all appropriate times, be maintained in a clean and tidy condition and be in a proper state of repair.
- Where personal protective equipment (PPE) or generic protective and safety clothing is provided, it must be worn and maintained in an appropriate manner so as to comply with all relevant policies. Operational personnel should also be aware of the procedures in place for the wearing of hair and maintenance of facial hair when wearing breathing apparatus. SFRS recognises that an employee's faith may require the wearing of specific forms of headwear or other articles of faith and will make effort to accommodate this and provide appropriate PPE in such cases whilst maintaining health and safety standards.

- Name badges, where provided, must be worn at all times, with the exception of when employees are actively engaged in fire and rescue activities and wearing full PPE or where express permission has been granted by a senior officer.
- It is important for employees to project a professional image of the SFRS. As a consequence, any member of staff wearing a uniform must project a positive and professional image whilst wearing the uniform. The SFRS uniform and corporate work wear shall only be worn off duty when en route to or from work or at authorised courses/events.

Employees must therefore comply at all times with General Information Note, Standards of Dress – Uniformed Personnel.

### **13. POLITICAL NEUTRALITY**

All SFRS employees shall carry out their duties, regardless of their political outlook, in a politically neutral way. Employees must implement the policies of SFRS irrespective of their personal views. A number of posts within SFRS are deemed to be 'politically sensitive'. Employees in these posts will have been advised accordingly. This is also noted within those employees' contracts of employment. Employees who are in 'politically sensitive' posts are disqualified from becoming, or remaining as, a member of the Local Authority, the Scottish Parliament, the House of Commons, European Parliament or carrying out certain political activities.

Employees in politically sensitive posts may, but shall not be required to, advise any political group, either as to the work of the group or the work of the SFRS, and attend meetings of any political group. Where they advise a political group on a particular matter, they should also be available to advise other political groups on the same matter.

If an employee is asked by an Elected Member to provide assistance with a matter which is clearly party political, or which does not have a clear link with the work of SFRS, they are required to refuse the request and refer the matter to their line manager.

## **14. CONFLICT OF INTEREST**

### **14.1 Private Interests**

Employees of SFRS must not allow any private interest to influence their decisions and must not use their position to further their own interests or the interests of others who do not have a right to benefit under the organisation's policies. An employee may have a private interest which relates to the work of the organisation. However, the private interest may not be financial or one which a member of the public might reasonably think could influence the employee's judgement. Any interest in the work of the organisation on the part of the employee must be declared.

Members of the SFRS Board are bound by the regulations within their own Code of Conduct, a copy of which is available from the intranet.

### **14.2 Contracts**

Employees must be fair and impartial in their dealings with tenderers, contractors, sub-contractors and suppliers. If an employee is involved in the tendering process, they must follow the organisation's Standing Orders relating to Contracts.

Employees must notify the Chief Officer, in writing, if it comes to their knowledge that a contract in which they have a personal pecuniary interest, whether direct or indirect, has been or is about to be entered into by the organisation. Unless authorised by their employer to do so, employees must not disclose confidential information on either internal or external tenderers, sub-contractors or suppliers to any persons.

Any employee who has both a 'client' and 'contractor' responsibility in the tendering process must observe a requirement for accountability and even-handedness in undertaking these two roles. Where appropriate, SFRS will require employees working in particularly sensitive areas to enter into restrictive covenants.

Employees of the SFRS shall not enter into confidentiality clauses with contractors, sub-contractors and suppliers, unless it is absolutely necessary and has been approved by the SFRS Board, as the Board is bound to comply with any Freedom of Information requests that it may receive in relation to contracts that have been awarded.

### **14.3 Membership of Private Clubs / Organisations**

Any membership of a private club or organisation or work/participation within a voluntary group which may result in a conflict of interest in relation to any aspect of employment with the organisation must be declared to a line manager. The legal status of some organisations, particularly those of a political nature, can change and membership of such organisations becomes illegal under UK law. It is an employee's responsibility to check the status of any organisation for which they have membership or allegiance and ensure that they remain personally compliant with UK law.

Similarly, some groups may be recognised as legitimate and legal entities under UK law but whose objectives and views are in conflict with the values of the SFRS. Employees are personally responsible for ensuring that their membership of or allegiance with any group or organisation does not bring the SFRS into disrepute and that they personally demonstrate behaviours consistent with the values of the SFRS and its policies. It is particularly important that the behaviours and activities associated with membership do not act as a potential deterrent to other people interacting with the SFRS for community safety or emergency assistance or in applying for employment. Moreover, the membership or allegiance with a group or organisation should not contribute towards a

working environment that is potentially hostile or intimidating for other SFRS employees which would be in conflict with the SFRS's Dignity and Integrity at Work Policy.

#### **14.4 Paid Employment outside SFRS**

SFRS, as primary employer, will normally allow employees to undertake paid secondary employment outside the organisation, unless there is a clear conflict of interest or it is likely to impair the employee's ability to efficiently execute their duties and/or have an adverse effect on the work of the organisation. Employees on secondary contracts must ensure they comply with the Working Time Regulations and, where appropriate, sign an opt-out form. Any employee wishing to undertake paid employment outside the Service should continue using their existing procedures to obtain approval to do so.

Employees should not normally carry out secondary employment whilst claiming sick pay from SFRS, unless it can be clearly demonstrated, via the Managing Attendance Policy, that the absence from SFRS does not preclude them from working for a secondary employer.

It is recognised that there are employees who have their secondary employment with the Service as SFRS Retained Firefighters (RDS), e.g. Uniformed Day Duty and Support Staff. If an employee is called out to an operational incident during their working hours under their Support/Uniformed Staff contract, they will be paid in line with their RDS Terms and Conditions for the duration of this response. Where possible and subject always to business needs being met under their primary contract, they will be entitled to paid leave from their primary contract during such call-out, at the discretion of their primary manager, under certain circumstances. Paid time will be supported, where this will maintain appliance availability, i.e. **this approach should only be adopted to maintain minimum crewing levels. Paid time off will not be provided to Day Duty Uniformed staff and Support staff to form part of a crew above minimum crewing levels** - Any other attendance will be supported, where possible, for dual contractors; however, they will be required to repay the time back in their primary role through the

flexi system at a later date. Line managers of employees who are not in the Flexi-Time Scheme should ensure, in these circumstances, that alternative monitoring methods are in place to allow the time to be paid back for attendance at emergency incidents.

Employees should not use any uniform, corporate work wear, PPE, vehicles or work equipment of the organisation in any employment that they undertake in addition to their employment with SFRS. Further details in this respect can be found in [Section 15](#).

The Strategic Leadership Team of SFRS shall not undertake other paid employment outside working hours, as stipulated in their conditions of service.

#### **14.5 Working Time Directive (EC Drivers Hours & Tachograph Rules for Goods Vehicles)**

The EC Drivers Hours & Tachograph Rules for Goods Vehicles came into effect in April 2007 and exist to ensure the health and safety of mobile workers and drivers of 'in scope' vehicles. The purpose of the Rules is to limit driving time and ensure proper breaks and rest periods are taken, so that road traffic accidents are prevented.

The Rules apply to certain categories of mobile workers, the most common being drivers of Large Goods Vehicles (LGV) and Passenger Service Vehicles (PSV). These are called 'in scope' vehicles.

SFRS vehicles are exempt from the Rules and firefighters employed to drive Service vehicles are unaffected. However, the Rules do apply where an employee engages in other work which involves driving, in which case all the strict breaks and rest periods must be adhered to, even if that employee only drives 'in scope' vehicles for a short period of time.

It is unlawful for SFRS to employ an individual whose primary or other employment conflicts with the Rules. Therefore, employees are obligated to disclose any other work

they may participate in which falls into the category of a mobile worker and involves driving an 'in scope' vehicle. The SFRS Board will consider if this work breaches the Rules and, where this is found to be the case, any request to undertake employment outwith the organisation will be denied.

Applicants applying for a position within the Retained Duty System are required to declare any work that falls into the category of a mobile worker. Where employment with SFRS will result in a breach of the rules, no employment will be offered or any existing offer of employment withdrawn, unless this can be resolved to the satisfaction of SFRS.

A failure to disclose the undertaking of driving 'in scope' vehicles will be considered a breach of the Code of Conduct and may result in disciplinary proceedings.

#### **14.6 The Giving of Lectures, Broadcasts, etc.**

SFRS may allow employees to accept invitations to give lectures appropriate to their professional/occupational standing; however, an employee must first obtain written approval from their line manager and Department Director.

Where an employee is representing the organisation, any fees received for lectures given within or outwith normal working hours, excluding out-of-pocket expenses, will be paid to SFRS.

Where an employee is not representing the organisation, any fees received for lectures given within normal working hours may be retained and the time off must be set against the employee's annual leave entitlement or accumulated flexi-leave, where applicable.

## **15. USE OF SFRS EQUIPMENT OR RESOURCES**

Each Directorate should take steps to maintain full and accurate inventory records, showing the location of all items of equipment (for example, vehicles, PPE and work equipment) at every establishment. Employees are responsible for the safekeeping and proper operation of any equipment issued to them to enable them to undertake their duties. Employees should recognise that SFRS is vulnerable to losses from vandalism and theft and therefore all reasonable steps must be taken to prevent this happening. Access to valuable equipment will be closely controlled and restricted to authorised users. Where practicable, items should be securely locked away when not in use and, in particular, when left overnight.

Any item(s) of equipment permanently issued to an employee will be logged. It will be the employee's responsibility to maintain the item(s) in an appropriate condition. On terminating employment with SFRS, all items shall be returned.

It is important that employees are aware that unauthorised use of SFRS vehicles and equipment is classed as a serious disciplinary offence. Employees are not allowed to use the equipment or resources of the organisation in any outside employment or for personal use, with the exception of mobile phones. 'Equipment' includes (but is not limited to) the use of laptop computers, photocopying facilities, telephones and stationery.

Employees wishing to use SFRS equipment to work at home or as part of their personal development or study purposes must obtain prior permission from their line manager and have items logged out by the Responsible Officer in accordance with Inventory Guidelines. Employees must take all reasonable care to ensure the security and condition of such equipment whilst in their care and must ensure that such equipment is never left unattended whilst in the public domain. Employees may be held personally liable for the loss of any such equipment.

SFRS provides computer hardware, software and network connectivity to support the completion of work-based technical and administrative tasks. These facilities are designed for lawful undertakings of SFRS and not for unlawful or otherwise inappropriate purposes. Employees must therefore comply at all times with the SFRS Acceptable Use Policy.

SFRS is committed to providing support to external/voluntary organisations. This support may take the form of physical or employee resources and must be in pursuance of the objectives of the organisation.

Should employees receive a request for such support, they must refer the request to their line manager who will determine the appropriate resources to be provided.

## **16. INFORMATION ACCESS AND CONFIDENTIALITY**

SFRS has a requirement to comply with the Freedom of Information (Scotland) Act 2002, the General Data Protection Regulation (GDPR) 2018 and the Data Protection Act 2018. Every employee, whether permanent or temporary, is required to respect the confidentiality of information which comes into their possession in the course of their work and this is the case both in and out of the office. This general duty of confidentiality with regard to information relates to members of the organisation, other employees and certain other matters, for example, tendering and contracts. If an employee has any doubt about releasing information to a third party, they must refer the matter to their line manager for guidance.

### **Freedom of Information**

At all stages throughout employment and where any doubts exist as to the appropriateness of any request for information from any party, guidance should be sought from existing SFRS's policies and procedures on the intranet. Guidance should

be sought from the Freedom of Information/Data Protection Officers on the use and disclosure of information.

## **Data Protection / General Data Protection Regulation (GDPR)**

SFRS is committed to data protection by design and supports the data protection rights of all those with whom it works, including, but not limited to, staff, visitors and the public.

A breach of any of the six principles of the GDPR will be viewed as an extremely serious matter. Personal data shall be:

- Processed fairly and lawfully and in a transparent manner;
- Collected for specified, explicit and legitimate purposes;
- Adequate, relevant and limited to what is necessary;
- Accurate and, where necessary, kept up to date;
- Kept for longer than is necessary;
- Processed in a manner that ensures appropriate security.

The organisation's notification, which is registered with the Information Commissioner, is an entry describing, in general terms, the personal data being processed by SFRS and the purposes for which personal data is processed. Full details about how we deal with personal data are available on the Intranet under Privacy Notices.

Further information in respect of issues on information access, confidentiality and disclosure of information can be found on the Intranet under SPPC Policies.

## **17. DISCLOSURE OF INFORMATION**

### **17.1 SFRS Decision-Making**

The disclosure of information policy pays respect at all times to the principles of the General Data Protection Regulation (GDPR) 2018, the Data Protection Act 2018 and the Freedom of Information (Scotland) Act 2002. Employees are required to comply with the provisions. Refusal to do so is a criminal offence. 'Confidential' information is generally information supplied to the organisation by a government resource which forbid its disclosure or where disclosure is prohibited by a court order.

Employees shall seek advice from their line manager, if in any doubt as to what may constitute 'confidential' or 'exempted' information or a 'need to know' basis. Further guidance on this matter is available from the Legal Services Section or Information Governance.

The organisation's decision-making process must be transparent and open. SFRS must provide the public with clear and accessible information about how it operates. It must also ensure that there is an effective complaints procedure in place for the public to use when things go wrong. But there are exceptions to the principle of openness where confidentiality is involved and information may be withheld if, for example, it would compromise a right of personal or commercial confidentiality. This does not apply where there is a legal duty to provide information.

### **17.2 Contact with the Media**

Any employee who is approached by the media must politely refer the enquirer to the Corporate Communications team or an 'on call' Media Officer. Other than in circumstances outlined in the section entitled [Expression of Personal Views](#), employees must not contact any member of the media on any subject or topic in which the organisation has an interest without prior approval of Corporate Communications. This

stipulation does not apply to those members of staff who are attributed with a media function, for example, Station Managers, Media Liaison Officers, Operations Control and the Media Officer. Nor does it apply where a member of staff contacts the media in their capacity as an accredited Trade Union official, rather than as an employee.

On occasion, and with relevant prior approval, employees may be granted permission by a colleague attributed with a media function to discuss a specific incident or Community Safety campaign or other theme with a member of the media.

Appropriate training will be provided to those officers in support of their role in liaising with the Media. For further information on dealing with media-related issues, employees should refer to the Engaging with the Media Policy or contact a member of the Corporate Communications team.

In line with the aforementioned policy, employees must not comment or disclose any confidential SFRS information, including financial or confidential information about the Service, its employees, partners, suppliers or stakeholders, to the media.

Staff should be aware that such unauthorised contact and disclosures to the media may result in action under the SFRS Disciplinary Policy and, in extreme cases, civil and criminal law.

## **18. RIGHTS AS A CITIZEN**

### **18.1 Expression of Personal Views**

In their work capacity, employees must not criticise the organisation, either through the media, at a public meeting or in any written communication with members of the public.

It is recognised that, as a citizen, an employee is entitled to express views about the organisation. However, this does not include making use of any private information gained through working for SFRS, unless this is a protected disclosure under the provisions of the Public Interest Disclosure Act. Employees who hold a politically restricted post should be careful not to speak in public in favour of any particular political party.

## **18.2 Access to your Councillor**

As a citizen, an employee can raise with their Councillor any complaint which they may have about the organisation. However, if the complaint concerns any aspect of the employee's work within the organisation, it should be raised initially with their line manager in the first instance and ultimately made in accordance with the SFRS Grievance Procedure.

## **19. THE BRIBERY ACT 2010**

### **19.1 The Bribery Act 2010**

The Bribery Act 2010 makes it an offence to offer or receive a bribe. It also prohibits bribing a public official and introduces strict corporate liability if organisations fail to prevent one of their employees committing an offence under the Act.

Under Section 7 of the Act, it is a 'corporate offence' for a person who performs services on behalf of the organisation (an employee, worker or a consultant) to bribe another person, intending either to obtain or retain business for the company or to obtain or retain an advantage in the conduct of the company's business. The offence can be committed in the UK or overseas. If a company is found guilty of corporate bribery, both the company and its Directors could be subject to criminal sanctions, including fines.

It is therefore important that employees understand and are aware of the procedures in place in relation to how they conduct themselves when dealing with other organisations or service providers. These include:

- Working within the guidelines set in relation to the declaration of gifts, hospitality and services, as outlined in [section 19.2](#) below;
- Being aware of the financial systems and controls in place to minimise the scope for corrupt acts to be committed;
- Being aware of the 'whistleblowing' procedures in place which enable employees to report possible corruption in a safe and confidential manner; and
- Employees involved in the operation of other policies involving, for example, the allocation of SFRS resources, must declare any interest or relationship with a service user to their line manager.

## **19.2 Declaring Gifts, Hospitality and Services**

SFRS has established a policy on the acceptance of gifts and hospitality. A copy of this procedure is available on the intranet.

The following principles apply in respect of the above:

- No employee shall accept personal gifts and hospitality from anyone, which would or might appear to place them under any obligation;
- It is a matter for the individual to decide if it is appropriate to accept a personal gift or hospitality. If there is any doubt, an employee shall clarify this with their supervisor;

- It is a matter for the recipient to determine the value. If an employee is in any doubt, this should be clarified with their line manager;
- Frequent personal gifts or hospitality shall not be accepted from the same source; and
- Generally, no employee shall accept gifts and hospitality from any customer or service user other than a token item. Any gifts which are accepted should be notified in writing to the Finance and Contractual Services Directorate, as detailed within section 5.2.2 of the SFRS Gifts, Hospitality and Interests Policy.

## **20. FURTHER INFORMATION**

Should you have any queries arising from the Code of Conduct, please contact your line manager or, alternatively, a representative from your HR Department.

## **21. CONSULTATION**

This policy has been agreed, following consultation with the Representative Bodies and results in a formal local agreement.

## **22. ASSOCIATED DOCUMENTS / REFERENCES**

Acceptable Use Policy

Access to Information Policy

Anti-Fraud Policy Statement

Complaints, Comments and Compliments Handling Procedure

Dignity and Integrity at Work Policy

Disciplinary Policy and Procedure

Employment and Criminal Convictions Policy  
Engaging with the Media Policy  
Flexi-Time Scheme (Support Staff) Procedure  
Flexi-Time Scheme (Wholetime Day Duty Staff) Procedure (Interim)  
General Information Note, Standards of Dress – Uniformed Personnel  
Gifts, Hospitality and Interests Policy  
Grievance Policy and Procedure  
Managing Attendance Policy  
Members' Code of Conduct  
No Smoking Policy  
Recruitment and Selection Policy  
Social Media Policy  
Standing Orders for the Regulation of Contracts  
Whistleblowing Policy