



Scottish Rail Holdings Limited

Staff Code of Conduct

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Staff Code of Conduct

1 General Policy

This Code is intended to provide guidance for the conduct required of the Chief Executive and Staff of Scottish Rail Holdings Limited (SRH).

2 Duties and Responsibilities

2.1 SRH 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:

2.2.1 to discharge public functions reasonably and according to the law;

2.2.2 to recognise ethical standards governing particular professions; and

2.2.3 to ensure that in carrying out their day to day work that they do nothing which could reasonably be construed as a conflict of interest or politically motivated.

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

3 Accountability

3.1 SRH staff should be aware:

3.1.1 of their accountability to the SRH Board;

3.1.2 of the respective roles of Transport Scotland (the sponsor department) and SRH, as set out in the Framework Agreement; and

3.1.3 that the Scottish Ministers are responsible for SRH and are ultimately accountable to Parliament for its effectiveness and efficiency.

3.2 SRH staff should conduct themselves with integrity, impartiality and honesty. They should not deceive or knowingly mislead the Board, 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.

4 Conflicts of Interest

4.1 SRH staff should abide by the rules adopted by SRH in relation to conflicts of interest, the disclosure of official information and political activities, as set out in the Code of Conduct for SRH Board Members which, in relation to those matters, will apply mutatis mutandis to staff as they apply to Board Members. Mutatis mutandis is a Latin phrase

which means that the necessary changes in details, such as names and places, will be made but everything else will remain the same. Staff 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 SRH's contractual arrangements has any financial or other interest, direct or indirect, in a company or firm being considered by SRH for a contract, they should disclose the nature of their interest to the Chief Executive. For example, disclosure would be appropriate if SRH was 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 Integrity

- 5.1 SRH 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, as set out in SRH Anti Bribery Policy.
- 5.2 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.

6 Rules on Acceptance of Gifts and/or Hospitality

- 6.1 SRH staff members should not accept any gifts/hospitality or services from anyone which would, or might appear to, place them under obligation. Offers of gifts/hospitality or services should be reported to the Finance Director (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:
- 6.2.1 isolated gifts of under £15, or inexpensive seasonal gifts such as calendars; and
- 6.2.2 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 SRH has regular contact, or to working lunches in the course of official visits or business relationships, but it must not be frequent. 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 Relations with the Public

SRH 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 Use of Resources

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

9 Official Information

- 9.1 SRH carries out its work in the public interest and is committed to the principle of openness. SRH staff should follow the Freedom of Information (Scotland) Act and SRH FOI policy.
- 9.2 There are occasions when information gathered during the course of SRH work must be kept confidential both inside and outside the organisation and after leaving SRH. For example, when its disclosure would prejudice an investigation, breach confidentiality or contravene Data Protection legislation. This does not apply when there is a legal duty to provide information. SRH staff should follow SRH information management policy and procedures.
- 9.3 SRH takes information security very seriously. SRH staff must protect SRH information from inappropriate access, abuse, loss or damage. SRH staff must report any instance of this as quickly as possible and help fully in any investigation. Any breach of confidentiality or security may lead to an investigation under SRH discipline policy. Any wilful breach, such as unauthorised access or supply of information to others, could lead to the termination of employment and to a criminal prosecution under Data Protection legislation. If a member of SRH staff is in any doubt about a matter of confidentiality or security, please check with the relevant line manager.

10 Staff Concerns about Improper Conduct

- 10.1 If a member of SRH staff believes they are being required to act in a way which:
- 10.1.1 is illegal, improper, or unethical;
 - 10.1.2 is in breach of a professional code;

10.1.3 may involve possible maladministration, fraud or misuse of public funds;

10.1.4 is otherwise inconsistent with this Code;

they should either raise the matter with the Chief Executive, or else proceed in line with the terms of the SRH's public interest disclosure policy (Whistleblowing 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 the paragraph above and believes that the response does not represent a reasonable response to the grounds of his or her concern, they may report the matter in writing to the nominated official in Transport Scotland, who will investigate the matter further.

11 After Leaving Employment

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