



THE SCOTTISH POLICE SERVICE

CODE OF ETHICAL PRACTICE

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SCOTTISH POLICE SERVICE - CODE OF ETHICAL PRACTICE

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(I) STATEMENT OF ETHICAL PRINCIPLES

All members of the Scottish Police Service observe and support the following principles:

Integrity – Will discharge their duties with fairness and honesty and will ensure that they do not place themselves under any financial or other obligation, which might influence the performance of their duties. They will declare any private interests, which may conflict with their duties and take steps to avoid such conflict.

Transparency – Will perform their duties in an open and transparent manner, submit their decisions and actions to appropriate scrutiny and will respond positively to criticism. They will give reasons for their decisions and restrict information only when the wider public interest demands. They will be open and truthful about their actions while maintaining the confidentiality of information entrusted to them in accordance with the law.

Accountability – Will remain accountable before the law and accept responsibility for their decisions and actions. They will guard against the abuse of the powers, which their office affords them and will oppose and draw attention to malpractice and wrongdoing by others.

Responsibility – Will accept personal responsibility for their own actions and omissions and act with resolve, tolerance and restraint in the discharge of their duties. They will ensure that their actions are at all times lawful, reasonable and proportionate and take ownership of those actions and decisions made in the course of their duties. They will take responsibility for observance of these principles and promote them through leadership and personal example.

Impartiality – Will act fairly and impartially, without prejudice and solely in terms of the public interest. They will discharge their duties with objectivity and without favour or malice.

(II) INTRODUCTION

The Scottish Police Service is committed to the maintenance and development of a culture where integrity and ethical standards are given the highest priority. Our ability to function effectively relies on the implicit trust of the public and their belief that we can carry out our duties in a fair and impartial manner.

The Statement of Ethical Principles and Code of Ethical Practice relate to every member of the Scottish Police Service whether Police Officer, Force Support Officer, Cadet or member of the Special Constabulary.

The Statement of Ethical Practice and Code of Ethical Practice are not intended to cater for all eventualities. Neither are they replacements for Schedule 1 of the Police (Conduct)(Scotland) Regulations 1996 or any other Disciplinary Code current at this time and should not be seen as such. Instead, they are designed to provide guidance in respect of issues and decisions, which may arise in the course of our duties and everyday lives.

All staff must report any conduct considered to be unethical, openly and with the support of their colleagues and managers. Where there is suspected wrongdoing, confidentiality will be given the highest priority and will be maintained as far as possible and supported by management. The focus is, however, about preventing situations where officers may be compromised.

This Statement and Code are intended to be living documents, which will continue to evolve. What may have been acceptable or unacceptable conduct many years ago may now no longer be so. Equally conduct, which may be considered entirely appropriate or inappropriate today may, in years to come, become less so.

It is in this context that we all have a duty to examine our own conduct and be willing to expose ourselves to scrutiny in all spheres of our employment and off duty time.

*Chief Constable
President ACPOS Council*

President ASPS

General Secretary SPF

Unison

(III) EMPLOYEE RESPONSIBILITIES

All members of the Scottish Police Service have a responsibility to conduct themselves with professionalism, integrity and dignity at all times, whether on or off duty. All staff should ensure that they conduct their personal affairs in a manner that does not leave them exposed to compromise or corruption.

No member of the Police Service should benefit either directly or indirectly from their activities on behalf of their respective Force and should neither offer, seek nor accept any form of inducement regarding the conduct of business on behalf of the Scottish Police Service.

Conduct Outwith Hours

It is acknowledged that all members of staff have a life to lead outside their working environment within the Scottish Police Service. As a guide to what is considered unacceptable outside working hours, it is important that personnel ask themselves whether the same conduct by a private citizen may be likely to warrant attention or public criticism. If it might, then such conduct, even though outside working hours, is likely to be unacceptable.

Members of staff must remember at all times that their conduct impacts on the perception and reputation of the Scottish Police Service and they should act in a manner that presents a positive image of the Service and their respective Force. An awareness that conduct outwith normal working hours has the potential to reflect positively or adversely on the Service is of paramount importance.

Associations

Members of staff must exercise discretion at all times and display sound judgement with regard to friendships, associations and relationships. They are reminded that the perception of such associations is equally important. In addition, attendance at social events, membership of organisations and affiliation to particular groups should not compromise their position as a member of the Scottish Police Service in any way. If anyone, is concerned that there is a potential for compromise or a conflict of interest through family relationships or other friendships or associations then they should declare their concerns to their line manager at the earliest opportunity. Declarations will be confidentially assessed and “guidance/direction” will be given as appropriate.

Use of Facilities/Equipment

The Scottish Police Service has an obligation to the communities it polices to properly manage resources.

Police facilities and equipment are for official use only and any private utilisation of such is not permitted unless official permission has been sought and granted, and then only when it does not disrupt official work.

Any officer who has any doubt as to whether the use of police facilities or equipment is acceptable or not should seek the advice of a Line Manager or Supervisor.

A realistic approach will be taken in relation to the occasional personal use of police equipment for a necessary purpose and discussions with management will clarify and authenticate such use.

Disclosure of Criminal Conviction/Road Traffic Conviction

Members of the Scottish Police Service must declare all criminal convictions received either prior to or during employment with the Service. In addition, such declarations must include Fixed Penalty Fines (with the exception of Non-endorseable parking offences), Fiscal Fines and Fiscal Warning Letters. It is of paramount importance that Police Senior Management is made aware of all such matters at the earliest opportunity in order that appropriate support can be provided and the necessary action taken.

In addition, any member of staff who becomes aware of being the subject of a criminal investigation by the police or any other law enforcement agency where the Home Force may not be aware of the investigation should report this matter at the earliest opportunity. Similarly where a member of staff becomes the subject of criminal proceedings in circumstances where the Home Force may not be aware must report this to management.

Conduct During Working Hours

Members of the Scottish Police Service should at all times fulfil the duty imposed on them by serving their communities and protecting all persons and property against illegal acts without fear or favour. In the performance of this duty, personnel must respect and protect human dignity, respect an individual's human rights, use only appropriate force as is absolutely necessary and at all times act with the utmost fairness, integrity and impartiality.

Arrested Persons/Detainees

Members of staff must ensure that all persons in custody or detained by the Police are treated in a humane manner and with respect for the inherent dignity and wellbeing of the human person.

Confidentiality - Media

Members of the Scottish Police Service are granted access to private and sensitive information with regard to members of the public and victims of crime. This information is only available to enable personnel to perform their duties.

The Scottish Police Service has a responsibility to provide information to and co-operate with the media. This is a most appropriate policing strategy and protocols and procedures are in place to legitimise such contact and ensure that only appropriate disclosure is made.

Unauthorised disclosure of information whether deliberate or unintentional to the media or any third party, has the potential to compromise investigations, to undermine strategic policing initiatives, to cause particular harm and distress to the members of the public or colleagues to whom the information relates and to undermine public confidence. Such disclosure may amount to a breach of trust/confidence and may constitute misconduct. Such disclosure can also be unlawful.

Unless specifically authorised to do so, members of the Scottish Police Service should not disclose or use any information other than in the course of their official duties.

Social Networking Sites

Social network websites have existed for a number of years, providing on-line networks for communities of people who share interests and activities, or who are interested in exploring the interests and activities of others. They have, unquestionably, revolutionised the way we communicate and share information with one another in today's society and the various websites are used by millions of people every day, including police officers, police staff and special constables.

These sites provide various mechanisms for users to interact, including "chat", messaging, email, video and discussion groups, via personal profiles set-up by individual users. The amount of information contained in these profiles is entirely at the discretion of the users who create them; some people choose to keep their identities hidden, by using nicknames and not including photographic images, whereas some populate their profiles with a considerable amount of information, including their occupations and personal photographs.

These websites also provide a means for those in minority groups to make and keep contact with other people. Indeed, in isolated, rural areas, or areas where local culture and traditions reject or do not respect this aspect of the diverse society we now live in, the websites can be the only means of communication and contact for people.

The Police Service has recognised the value of these sites in providing the opportunity for Forces to engage with a significant number of hard-to-reach people in their areas and numerous Forces across the UK have now set-up Force Profiles. These are used to publicise contact details for Liaison Officers, provide information on how Remote Reporting Systems can be accessed and, importantly, make appeals for information relating to the identification of perpetrators of crimes.

The purpose of this section is to give guidance and set out the key principles that relate to the use of social websites and personal profiles by police officers, police staff and special constables.

The Scottish Police Service acknowledges and unequivocally supports the right of every officer and member of police staff to have a personal and private life free from unnecessary, intrusive or discriminatory restraint or interference. This privacy, however, must be protected by both the individuals themselves and the Police Service.

The Scottish Police Service also has a responsibility to protect all employees from exploitation by criminals, thereby protecting Force assets, particularly in the vulnerable areas of intelligence, information and data. All our staff should be

aware of the inherent dangers that can exist where Police employees openly advertise their affiliation to the Police Service.

It must also be acknowledged that high standards of propriety and integrity require to be observed by police officers and staff in all aspects of their personal and private lives. This applies, equally, to everyone, regardless of their ethnicity, gender, religion or belief, or sexual orientation.

It is incumbent on all officers and staff who have personal profiles on social networking websites that they have personally risk-assessed their positions before creating the profiles, and that at no time will they seek to publish or exhibit anything, textual or photographic, that would affront, insult, or detract from, the dignity of their public office, their personal integrity, or the integrity of the Police Service, should that information ever appear in a public domain. The potential for leaving the individual or the Service in a position of compromise and the consequences for the individual in both their private and working lives should always be borne in mind.

All staff using social network websites should be aware that there are people in society who will go to extraordinary lengths to identify police officers, or members of police staff, with a view to placing them, or members of their families, in a position of compromise or vulnerability, in an effort to further their own interests.

The guidance contained in this section seeks to ensure that an appropriate balance is maintained between the rights of all officers and staff to enjoy personal and private lives free from discrimination and intrusive attention, and the need to maintain the proper dignity and integrity of the Police Service.

Use of Discretion

Members of the Scottish Police Service are encouraged to use discretion. However, this must be applied fairly, honestly and with complete impartiality. The risk of compromise during such use should always be borne in mind.

Discriminatory Behaviour - Harassment

Members of the Scottish Police Service must not discriminate against any person, either colleague or member of the public, for any reason.

Discriminatory behaviour or any form of harassment is at best highly inappropriate, may well be illegal and will be dealt with accordingly. Staff are reminded that the use of foul or offensive language whether to colleagues or members of the public is regarded as inappropriate at all times.

The Scottish Police Service has procedures in place to enable the victims of discriminatory behaviour or victims of harassment to make confidential reports concerning such matters and thereafter progress can be made with regard to resolution if at all possible in keeping with the wishes of the complainer.

In addition, members of staff have a duty to deal with discriminatory behaviour or harassment witnessed by them in respect of colleagues or members of the public and they must either endeavour to stop such practices and/or report them to an appropriate

manager or supervisor within the Service. To do nothing in such a situation is not an option.

Reporting Corruption or Serious Misconduct

Integrity is the absolute cornerstone of modern day policing and is dependent upon the personal conduct of every member of the Scottish Police Service and their willingness to take action against instances of corruption or serious misconduct.

The Scottish Police Service has given an undertaking to ensure that effective reporting mechanisms are in place to facilitate any instances of confidential reporting. The Scottish Police Service is fully committed to tackling all aspects and allegations of corruption and misconduct.

Staff when they have suspicions or genuine concerns that an act of corruption or misconduct has been or may be committed are expected and encouraged to report this to management. Such reports should be made as soon as is reasonably practical.

The Scottish Police Service has decreed that full support will be made available to staff reporting under such circumstances. The Scottish Police Service is not prescriptive as to how such reports are made and there are a number of options in this regard.

Vetting

The Scottish Police Service must take care when placing officers in positions where the likelihood or potential for compromise is increased. In such instances there is a need to minimise the risk to both the organisation and its officers and this can be done through the introduction of a robust vetting policy.

In this regard, officers of the Scottish Police Service must make full and frank disclosure throughout any vetting procedure that they become involved in. The vetting that officers are subjected to will depend upon their role within the organisation and the level of the vetting required relative to that particular position. Officers are reminded that during the vetting process, sensitive information may require to be disclosed by them, however, this will be treated with the utmost confidentiality.

(IV) MANAGEMENT RESPONSIBILITIES

The role of service managers is critical to the success of this Code of Practice. The opportunities for malpractice and corruption within the Police Service are many and are increased when policies, procedures, supervision and management are weak. It is possible to simply identify policy and procedural weaknesses and introduce good preventative practice to minimise the risks. It is, however, more challenging to introduce some uniformity in supervisory management practice throughout the Scottish Police Service to address the above issues.

Managers and supervisors occupy a position of authority over staff and must strive to provide quality direction and guidance to their staff on issues of professional and ethical performance. In so doing, they should use common sense, be transparent about their decision making and be prepared to explain their actions. Open and ethical management engenders trust and respect and secures the full support of the team.

The following bullet points are offered as a guide to the standards expected from managers and supervisors within the Scottish Police Service:-

- promote and demonstrate ethical conduct at all times
- positively intervene to prevent corrupt and unethical conduct
- develop an open and honest management style to allow for effective communication with all staff
- show support for lawful and reasonable decisions made by staff
- critically reflect on honest mistakes and errors of judgement to achieve the best learning outcome
- develop a supportive working environment by demonstrating decisive leadership, personal example and sound judgement and direction
- Ensure all staff are aware of the Code of Ethical Practice and develop an environment where staff, seek advice/instruction.

(V) GIFTS AND HOSPITALITY

It is the policy of the Scottish Police Service that staff should not accept gifts or hospitality for personal benefit as a consequence of being so employed. Such offers should, in the main, be politely declined and line managers so advised. Where failure to accept a gift or hospitality would cause embarrassment or even offence to the individual or body making the offer, then such occurrences should be reported to a line manager without delay.

There will be occasions when during on duty activities, members of staff will be offered general hospitality as a matter of routine politeness, and without any underlying motive to corrupt or seek to influence. The acceptance of such hospitality is a matter for the discretion of the individual and judgement should be made based on the appropriateness or not of acceptance or refusal at that time. Where there is any doubt concerning appropriateness, compromise or perception then such hospitality should be refused.

It is imperative to the maintenance of the integrity of the Scottish Police Service that members of staff do not place themselves under any financial or other obligation to individuals or organisations that might influence them in the performance of their duties or indeed could be perceived as doing so

Any gifts or hospitality received and accepted by members of the Scottish Police Service, which may be perceived as affecting their impartiality to discharge their duties should be declared and recorded. Such transparency can counter balance allegations of inappropriateness and evidence the facts and circumstances of acceptance, thus maintaining the integrity of such decisions.

Discounts

From time to time “discount offers” are made to members of staff by businesses, without any thought being given to the questions of personal or corporate advantage. Such offers are often made to other organisations and reflect the benefit of conducting business with any large workforce. All members of staff are reminded of the perception that such offers can create and any acceptance should be made after considering the appropriateness and the ethical implications.

Use of Police Warrant Cards or Identity Cards

All members of staff are reminded that the use of Police Warrant Cards or Identity Cards is for official identification purposes only and should never be misused.

Charitable Events

Financial or other donations to the Scottish Police Service in connection with recognised or approved charity events should be encouraged providing that appropriate records are maintained for audit purposes.

All personnel should ensure that these worthwhile causes receive the high level of support, which members of the Police Service have traditionally given, without this impacting on the credibility or integrity of the Service or any individual.

(VI) DECLARATION OF INTERESTS

Members of the Scottish Police Service must strive to maintain the highest levels of impartiality and integrity. There are many areas of potential conflicts of interest during daily activities and it is vital to remain alert and aware in respect of such possible compromise.

Conflict of interests arise when personal circumstances, associations, affiliations or financial/business interests either affect impartiality or are perceived as such. Either way, such issues or perceptions may cast doubt on the integrity of individuals and their overall fairness and motivation when carrying out their duties.

Such conflicts, perceived or otherwise, should be avoided.

When personal circumstances, associations, affiliations or financial/business interests are, or may be perceived as, a conflict of interest they should be declared and recorded at the earliest opportunity.

(VII) SUBSTANCE MISUSE

The Scottish Police Service is committed to providing a safe, healthy and productive working environment for all members of staff. In addition the Service demands that personnel carry out their duties in an efficient and effective manner as far as possible without risks to themselves, their colleagues or members of the public.

In this regard, substance misuse (including alcohol, drugs etc) may impact on judgement and may threaten the health and safety of not only the individuals concerned but may involve their colleagues and members of the public.

A member of staff with any substance misuse problem should seek help before their work performance becomes adversely affected.

Members of staff have responsibilities to ensure that such misuse of substances does not adversely affect either themselves, colleagues or members of the public. Such misuse impacts on the safety of staff and members of the public and affects performance of duties, public confidence and the reputation of the service, therefore to do nothing in such a situation is not an option.

(VIII) CONCLUSION

The Scottish Police Service Code of Ethical Practice is not a book of absolute rules. It is a commonsense document that offers guidance regarding expectations in relation to ethical conduct and standards in respect of all members of staff. It should be regarded as an ethical framework from which support can be sought in relation to the many ethical challenges faced during professional and personal exchanges. Such guidance can only benefit individuals and the Scottish Police Service as a whole.

This Code of Ethical Practice is designed to provide practical guidance that will help members of the Scottish Police Service to resolve many of the ethical dilemmas that they face both on and off duty.

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