

COPFS Standards and Conduct

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Rules of Conduct in COPFS

1. Expectations of Employee Conduct and Behaviour

Rules of conduct in the Crown Office and Procurator Fiscal Service are informed by two key values:

“Being Professional” and “Showing Respect”

Showing respect in COPFS is about being open and sensitive to the needs and ideas of others, treating people fairly and welcoming diversity. When we talk about ‘being professional’ we mean working with pride, always acting with integrity and taking personal responsibility to provide high standards of service.

These values are part of our everyday working lives but are particularly important when looking at the standards of conduct which apply to **all** employees who work for COPFS.

As employees of COPFS we are expected to go above and beyond the normal standards of behaviour. Not only must we act ethically, honestly and with integrity and treat people fairly and with dignity, we must be *seen* to be acting in these ways. This is in line with COPFS’ values and the [Civil Service Code](#). All employees are expected to be familiar and abide by the tenets of both the Civil Service Code and the rules of conduct in COPFS. Information on the positive behaviours expected of all COPFS employees can be found in the COPFS Fair Treatment guide.

2. Responsibilities and Sanctions

COPFS takes a robust approach to proven allegations of a criminal nature (particularly those that relate to violence, dishonesty and drug taking) or allegations which show unethical behaviour such as corruption, malpractice or equally serious actions or omissions. These actions will likely constitute gross misconduct and will usually lead to dismissal if the allegations are upheld. In cases such as these, the [Professional Standards Committee](#) will oversee the investigation taking into account the potential for both prosecution and internal employment investigation as necessary.

Where it is alleged that you have fallen short of the high expectations that are set for COPFS employees, a full and fair investigation will be conducted as outlined in the [COPFS Disciplinary Policy](#). The penalties appropriate to different levels of misconduct are explained fully in the Disciplinary Policy.

3. Raising Concerns

COPFS is committed to tackling all aspects and allegations of misconduct, corruption, malpractice or other unethical behaviour.

Through line management

It is important that all of us are able to identify and report any misconduct or unethical conduct openly and with the support of our colleagues and managers.

You must inform your line manager or other appropriate senior manager if you know of, or if you suspect any wrongdoing by other COPFS employees.

Concerns will be treated seriously and confidentiality will be maintained as far as possible in dealing with all conduct and potential disciplinary matters. Line managers may be able to resolve the situation informally or, where this is not possible, the formal COPFS disciplinary procedure will be used.

Our main focus is, of course, on preventing situations where employees may be compromised. To this end, COPFS has a [Professional Standards Committee](#) comprising the Director of Serious Casework, the HR Director and the Departmental Security Officer. All issues which relate to ethical or professional conduct, particularly those that relate to allegations of a criminal nature involving you, a relative or a friend must be routed via your line manager to this committee for action and investigation. Find out more in the [Criminal Convictions and Criminal Charges](#) section.

Find out more about the role of the [Professional Standards Committee](#).

Whistleblowing Policy

COPFS has a [Whistleblowing Policy](#) with which all employees should be familiar. Whistleblowing can be defined as raising concerns about misconduct within an organisation, or giving information (usually to the authorities) about illegal and unethical practices.

The Public Interest Disclosure Act 1998 makes it unlawful to discipline whistleblowers, even when they are proved wrong, if their belief that something was wrong was reasonable when they disclosed it.

Disciplinary penalties, including dismissal, may be imposed where an employee makes, or causes to be made allegations which they know to be false or malicious, to an outside organisation, particularly to the media.

4. The Professional Standards Committee

All matters relating to criminal charges (primarily against employees but including charges against family and close friends of employees), malpractice, unethical behaviour and security breaches will be considered by the Professional Standards Committee. This committee is chaired by the Director of Serious Casework (DSC) on behalf of the Crown Agent. In the absence of the DSC, the Deputy Director of Serious Casework will take on the responsibility for investigating any allegations.

The committee also consists of the Director of Human Resources and the Departmental Security Officer in order that full consideration can be given to potential security issues and other employment matters.

Initial reports, whether they are reported by COPFS employees (including from Trade Union representatives) external agencies or from members of the public should be submitted to a member of the Professional Standards Committee. All allegations will be treated with the utmost confidentiality and will be recorded securely.

The DSC will oversee the investigation with support from the Departmental Security Officer in cases where there is an allegation of a breach of security and with support from the Director of Human Resources where there is likely to be disciplinary action or a potential impact on the employee's future employment in COPFS.

In line with the investigation process outlined in the [Disciplinary Policy](#), the Professional Standards Committee will investigate all allegations, usually by appointing an Investigating Officer as part of the internal employment related investigation. It is essential that all allegations are investigated properly, that there is a standard process for such investigations and the interests of the Crown Office and Procurator Fiscal Service, our partners and the public are protected.

In most cases, where misconduct requires formal disciplinary action, this will be dealt with by local line management as described in the [Disciplinary Policy](#).

The Professional Standards Committee will seek to

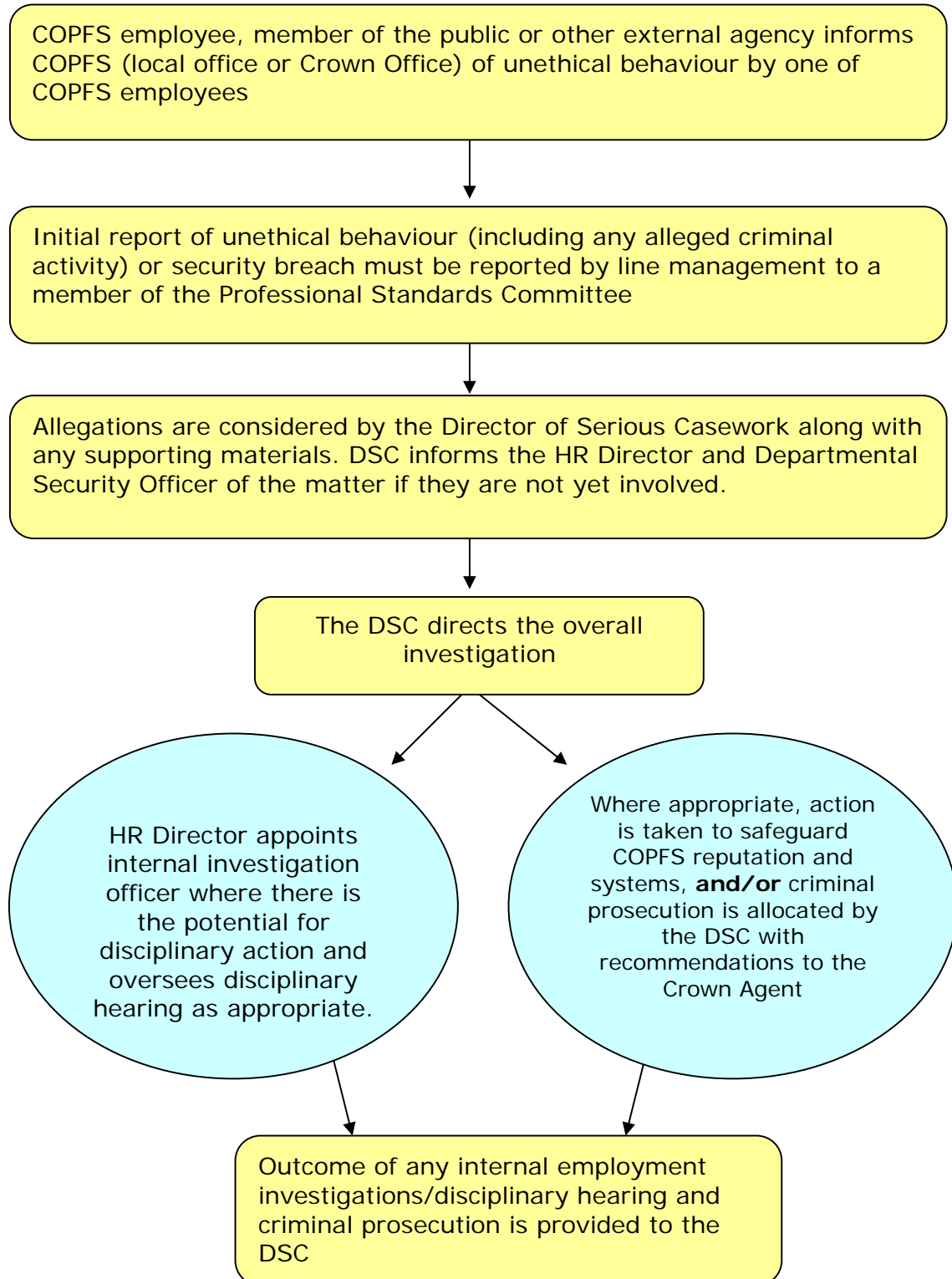
- Protect the integrity of COPFS
- Protect all employees from exploitation by criminals, and
- Protect COPFS assets, particularly sensitive data and information

To achieve this, the Professional Standards Committee will

- Implement effective investigative methods

- Undertake targeted investigations into allegations of corruption and malpractice
- Provide reports, with recommendations, to the Crown Agent
- Where required, provide relevant details of any investigations to the police for consideration of criminal proceedings
- Provide details of any investigations to Human Resources Division for appropriate disciplinary proceedings
- Report on the outcome of investigations to Area Procurators Fiscal or Heads of Unit or Divisions as appropriate
- Liaise with the COPFS Security Committee on matters of common interest
- Provide advice and guidance to colleagues in COPFS on reporting allegations, investigations, vetting of staff, protective security measures and training/awareness on all integrity matters
- Identify UK and international best practice in relation to ethics, integrity, professional standards and investigative techniques for consideration of implementation within COPFS and
- Develop a forum to regularly monitor integrity and ethics policies.
- Work closely and forge links with the intelligence community within law enforcement.

Reporting and investigating a potential security or ethical behaviour breach



5. Line Manager Responsibilities

Line Managers have a specific responsibility to ensure that new employees are made aware of the standards of conduct that apply in COPFS and in the Civil Service.

It is particularly important that line managers and senior managers lead by example in demonstrating ethical and professional conduct at all times and, where necessary, positively intervene to prevent corrupt or unethical conduct. Further information on the role of line managers can be found in the [Manager's Charter](#).

Where honest mistakes and errors of judgment are made, managers must take time to reflect on what could have been done better and share learning points with other employees as appropriate.

Managers must also be familiar with action to be taken where these rules are not followed. Information can be found in the [Disciplinary Policy](#) and the information contained about the role of the [Professional Standards Committee](#).

Support and advice on how to tackle misconduct can be sought from HR. Your HR Advisor is the best 'first port of call' and he or she will then be able to answer your query or direct you to another appropriate person in HR who will be able to advise you on how to proceed.

6. Employee Responsibilities

Each of us has an individual responsibility to ensure that we act in a way that is professional, ethical and within the rules set by COPFS. It is your responsibility to ensure you are sufficiently familiar with these rules and bring any matter of concern to your line manager or other appropriate senior manager (such as Area Business Manager, Area Procurator Fiscal or other senior manager in your area).

The Lord Advocate is responsible to Parliament for the actions of the Service and should not be embarrassed by the actions or inactions of COPFS employees. Some of the ethical duties of legal employees of the Crown Office and Procurator Fiscal Service are owed directly to the Courts, but all employees are to a greater or lesser extent involved in work related to the prosecution of criminal cases and thus affecting the duties of legal employees. All general ethical duties thus apply to both lawyers and administrative employees, permanent and temporary. It is therefore necessary that all COPFS employees are aware of them and alert to the need

to maintain the highest ethical standards. Failure to meet the ethical duties required by COPFS and by the [Civil Service Code](#) may result in disciplinary action and, where appropriate, criminal proceedings. The varying levels of disciplinary action and penalties are described in the COPFS [Disciplinary Policy](#).

7. A-Z of Rules of Conduct

The following descriptors of the rules of conduct and ethical duties of COPFS employees are not exhaustive. Employees who are members of professional bodies may also be bound by their own codes of conduct.

A

- [Acceptable Computer Use](#)
- [Access to papers of a previous Administration](#)
- [Alcohol and Drug Misuse](#)
- [Associations](#) (includes Friends and Family)
- [Attendance](#)
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C

- [Civil Service Code](#)
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E

- [Ethical Duties](#)
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F

- [Fees for attendance at external events \(when representing COPFS\)](#)
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I

- [Identity Passes](#)
- M
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- O
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- P
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- [Radio/Music at Work](#)
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 - [Sequestration \(Bankruptcy\) / Insolvency / Trust Deeds](#)
 - [Smoking](#)
 - [Social Networking Sites](#)
 - [Surveys and Research Projects](#)
- T
- [Telephone Use](#)
 - [Trade Union Activities](#)
- V
- [Values](#)

[Acceptable Computer Use](#)

Misuse of computer services can result in loss or corruption of data and wilful disregard of the guidelines for computer use may result in disciplinary proceedings and may be considered to be gross misconduct. Legitimate use and unacceptable use are explained in the Policy for [Acceptable Computer Use](#).

Employees must return any IT hardware (such as their blackberry or laptop) before they leave the Service.

Access to papers of a previous Administration

In discharging their duties under the Civil Service Code civil servants must maintain the long-standing conventions that Ministers and special advisers may not normally have access to papers of a previous Administration of a different political complexion.

Alcohol and Drug Misuse

COPFS is committed to providing a safe, healthy and productive working environment for all members of staff. In addition, we demand that our employees carry out their duties in an efficient and effective manner as far as possible without risk to themselves, their colleagues or members of the public. In this regard, substance misuse (including alcohol and illegal or prescription drugs) 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. An employee 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. Substance misuse leading to drink driving or drug driving charges or convictions will be considered as a very serious matter and will likely lead to disciplinary action being taken against the employee.

See the [Alcohol and Drug Policy](#) for more details.

Associations (including friendships and relationships)

Employees should exercise discretion and display sound judgement regarding friendships, associations and relationships. Should any employee feel concerned that there is a potential for compromise or a conflict of interest through family relationships or other friendships or associations, they should declare their concerns to their line manager at the earliest opportunity. Any such declaration will be treated with the utmost confidentiality and appropriate guidance will be provided.

See also See [Criminal Convictions and Criminal Charges](#), [External Influence](#) and [Social Networking Sites](#) sections for further details.

Attendance

See [Attendance Management Guidance and Toolkit](#) for full details.

Awards and Prizes

Employees who have distinguished themselves in a particular field of activity connected with their official duties are sometimes offered awards by external organisations. Employees who are approached by an outside organisation about the offer of an award or prize in any way connected with official duty should consult HR Division. Retention of the award or prize will normally be allowed, having due regard to considerations of propriety and risk of public criticism, provided the award or prize is:

- Offered in recognition of special personal merit or achievement
- Not in the nature of, or such that it could be construed as, a gift, an inducement or payment for a publication or invention to which other rules apply

The offer of a decoration or medal by a foreign Government is not usually permitted. However, such offers must be reported to the HR Director as the Foreign and Commonwealth Office must be consulted.

Bullying, Harassment, Victimisation

COPFS expects all employees to show respect by being open and sensitive to the needs and ideas of colleagues and others; to treat people fairly and welcome diversity.

Complaints of bullying, harassment or victimisation will be treated as a very serious matter and will be fully investigated by line management. Allegations that are upheld will be regarded as a serious breach of COPFS' rules of conduct.

For more information see the [Fair Treatment Policy](#) and [Grievance policy](#)

Business Interests / Outside Appointments / Second Jobs

The following general principles must be observed in respect of outside or secondary occupations and business interests:

- a) No employee may engage in any occupations or other activities which might, in any way, conflict with the interests of the Service or be

inconsistent with their position as a public servant. In addition no employee may engage in private activities, which would require their absence from COPFS during normal working hours or in any way impair their usefulness as a public servant. Permission must be sought from the Area Fiscal, Area Business Manager or Head of Unit if employees are considering a second job (including self-employment). The relevant HR Advisor can provide senior managers with advice on whether any second job is suitable for approval. The decision on whether the second job is authorised will be placed on the employee's HR file. Business interests will usually require to be included in the [Register of Interests](#).

- b) Procurators Fiscal are not permitted to engage in private practice. The prior approval of the Crown Agent is required before any Procurator Fiscal may undertake any other form of remunerative employment or any commercial activity such as self-employment or directorships. Procurators Fiscal are not permitted to be members of a Children's Panel or sit as Justices of the Peace.
- c) It is in the public interest that people with experience of public administration should be able to move into business or other bodies, and that such movement should not be frustrated by unjustified public concern over a particular appointment. It is equally important that when a former Crown servant takes up an outside appointment there should be no cause for any suspicion of impropriety. The Rules on the Acceptance of Outside Appointments by Crown Servants, known as the Business Appointment Rules, are contained in the section headed [Leaving COPFS](#). They deal with certain appointments within two years of an employee leaving public employment and are designed primarily to counter any suspicion that an appointment might be a "reward for past favours" granted by the applicant to the employer, or that a particular employer might gain an unfair advantage over its competitors by employing someone who had access to what they might legitimately regard as their own "trade secrets".
- d) The criteria of the Business Appointment Rules also apply if they wish to undertake outside employment whilst still employed by the Procurator Fiscal Service. The application of the [Business Appointment Rules](#) is not confined to the Senior Civil Service and any individual contemplating taking up an outside appointment must have regard to them.

Employees may not engage in consultancy work on behalf of any company:

- a. with which the Service has a contractual relationship; or
- b. with which an employee's work unit has some other close official relationship.

In any case of doubt regarding contractual relationships, the individual should consult both his/her own senior management who can, if needs be, consult HR Division. In respect of other 'official' relationships, senior line management should be consulted who should, in cases of doubt, then consult HR Division. Any consultancy work not of the prohibited type and undertaken by any employee should be reported to the officer's line manager, of at least Band F level.

Any employee who takes up outside employment, including consultancy work, should note that:

- a. he/she will have no right to special leave for absences which may result; and
- b. the fact that he/she has undertaken outside employment may not be taken into consideration in determining his/her allocation to particular duties.

Where individuals have doubts about the propriety of any personal private activities they should seek advice and guidance from HR Division.

If an employee comes into official contact with matters concerning a business organisation in which they have an interest, then he/she must declare the interest to a senior employee (at least at Band F level) and ask that another employee deal with the matter.

See [Conflicts of Interest](#) for further details.

Civil Service Code

The [Civil Service Code](#), which forms part of the terms and conditions of every civil servant, was first introduced in 1996. It was reviewed after ten years and a new Code was issued in June 2006. There was a further minor revision in 2010 to reflect the provisions of the Constitutional Reform and Governance Act 2010.

What the Civil Service Code covers

The Civil Service Code outlines the core values of the Civil Service:

- Honesty
- Integrity

- Impartiality
- Objectivity

It describes the standards of behaviour expected of individual civil servants against each of these four values.

If you are asked to do something which conflicts with the values in the Code, or you are aware that another civil servant is acting in conflict with the values, you should raise a concern with an appropriate manager.

COPFS will investigate your concern. If you are dissatisfied with the outcome of the investigation you may bring a complaint to the Civil Service Commission. The Commission may also hear a complaint direct.

See the full [Civil Service Code](#).

What the Civil Service Code does not cover

As the Civil Service Code is about the core values of the Civil Service it does not cover areas outside this forum such as:

- personnel management grievances
- disagreements about the merits of policy
- disagreements about management decisions

Such matters should be pursued through the normal channels within COPFS.

Find our further information about the [Civil Service Commission](#)

Civil Litigation

Anyone who becomes involved as a party in civil litigation must ensure that their line manager is advised and it is the responsibility of the line manager to ensure that the appropriate senior manager (such as the Area Procurator Fiscal) is aware of the matter in case of any conflict of interest.

Conduct Outside Normal Working Hours

All employees must ensure that they conduct their private affairs in a manner which does not leave COPFS exposed to compromise or corruption, or which may bring the service into disrepute were those actions to be brought to public attention. This also includes the way we behave when engaging in online professional and social networking.

Employees must remember at all times that their conduct impacts on the perception and reputation of COPFS and they should not act in a manner that presents a negative image of the organisation.

COPFS may take disciplinary action where it comes to our attention that an employee's conduct outside working hours has the potential to bring, or has actually brought, the Service into disrepute. In addition, unacceptable conduct at office parties or other work related social events may also be considered as warranting disciplinary action.

Further information can be found in the [Social Networking](#) section.

Conflict of Interests

The Civil Service Code, which applies to all civil servants, requires that they should not put themselves in a position where duty and private interests conflict, nor make use of their official position to further those interests.

As a public servant an employee has a particular duty to ensure that their public position is not, and raises no reasonable suspicion of being, abused in their own personal interest. In particular, they must not:

- a) Use information gained in their work to advance their private financial interests, or the financial interests of others. Indeed, there are circumstances in which this would be insider trading, a criminal offence, which is further explained below
- b) Participate in the taking of any decision which could affect the value of their private financial interests, or the financial interests of those to whom they give investment advice. As explained below, this conflict of interest could, in certain circumstances, result in legal action against the Service and against them.

Decisions made on behalf of COPFS could be open to legal challenge, and could be set aside, if the private financial interests of any person substantively involved in the decision-making process were such as to give rise to a reasonable presumption of bias. (Persons "substantively involved" include not only the decision-taker but also others who contribute to the decision, by for example research or advice.) Any person who feels adversely

affected by such a decision and who alleges bias by an official involved in the decision-making process may:

- Take legal action against the Service in respect of the decision
- Seek damages against a person with a conflict of interest against whom bias is alleged

In law, the possibility of conflict of interest does not necessarily stop with consideration of financial interests held by them. Bias could be alleged in respect of the interests of anyone with whom they may have a family, domestic or other relationship and over whose decisions on investment matters they may reasonably be thought to exert an influence and where knowledge of such matters can reasonably be imputed to them. In that event a court would examine the facts of the matter to decide whether bias should be presumed.

Members of the Senior Civil Service are required to discuss whether there are any conflicts of interest as part of the [SCS Performance Appraisal Process](#).

The requirement to declare and register any potential conflicts of interest **applies at all times**. Areas will maintain their local Declaration of Interest Register on a rolling basis.

From June 2010, the Crown Office Secretariat will hold a 'master' Register of Interests which will essentially be an amalgamation of all Area Declaration of Interest Registers. It will also include interests declared by SCS staff. This will be updated and presented to the Crown Agent for review on an annual basis in June.

See also and Register of Interests.

Other conflicts of interest may include:

[Business Interests/Outside Appointments/Second jobs](#)

Insider Trading

Relevant Financial Interests

Declaring Interests - Purchase Orders

Sales of Surplus Items to Employees

Contracts to Civil Service

Insider Trading

Insider trading is a serious criminal offence under the Company Securities (Insider Dealing) Act 1985, which contains special provisions relating to public servants. If, therefore, an employee comes into possession of unpublished sensitive information likely to affect the price of the securities of particular companies, they must be scrupulous in their use of that information. In particular:

- They must not deal in such securities on a recognised stock exchange, or through off-market dealings;
- They must not counsel or procure anyone else to do so either in Great Britain or abroad;
- They must not communicate such information to others (even in confidence to other Government officials) if they know or have reasonable cause to believe that they will use it to deal in the securities or counsel or procure anyone else to do so.

Relevant Financial Interests

For the purpose of these instructions, an employee should consider both their own financial interests and those of others to whom they give investment advice. An individual should consider financial interests such as shares (whether held directly or in a self-select PEP) and other forms of investment such as options and other similar products. It should normally only be necessary to consider investment trusts, insurance policies, gilts, collective investment schemes (such as unit trusts) and dealings through intermediaries or with lending institutions (eg building society mortgages or bank loans). An employee should always bear in mind that a financial interest even though small could, depending on circumstances, give rise to a legal presumption of conflict of interest and therefore of bias.

An employee must then closely observe the following basic rules:

- a. If they come into possession of confidential information, which could affect the value of any financial interest, they must not while the information remains confidential take financial advantage from the information for themselves or others. They must keep that information scrupulously to themselves and to those colleagues with a need to know
- b. If they are in possession of any price-sensitive information about a company, they must not purchase or sell an interest in securities of that company, or counsel or procure others to do so or pass on the information to third parties unless such disclosure is properly authorised
- c. If they, or those to whom they give investment advice, have a financial interest of which the value could reasonably be thought to be affected by an impending Service decision, they must not participate in

any way in the decision-taking process. They must immediately declare their position to their line manager. This should be done even if they have already declared their interest under supplementary rules that apply to them.

Declaring Interests - Purchase Orders

If an individual employee is involved in any way with purchase orders and also has any form of personal interest or connection with the firm from which an order is to be placed, this fact must immediately be reported to their line manager. Having reviewed all the circumstances surrounding the purchase in question, the line manager will either approve the order personally or decide if the matter should be dealt with by another employee. If the line manager is in any doubt as to the proprieties surrounding the placing of a particular order, the advice of a senior manager must be sought, before the order is placed.

Sales of Surplus Items to Employees

With the exception of vehicles and items which may present a health or safety risk, the sale of surplus items to employees is allowed but particular care must be taken to protect the interests of both the Service and the individual concerned. If you are in any doubt please contact Procurement, who are based in the Scottish Government at Victoria Quay but the main considerations are as follows:

- a. Whether you had been officially associated with the disposal arrangements
- b. If the individual has been able to obtain special knowledge about the condition of the vehicle to be sold (which was or would not be available to other interested prospective purchasers)
- c. Whether the transaction would be likely to cause criticism on low pricing

Contracts to Civil Service

Unless an employee has fully declared any interest in the contract and senior management has given permission the Service will not let contracts to:

- a. any civil servant in the Service
- b. to any partnership of which they are a member; or

c. to any company where they are a director (except as a nominee of the Service)

d. contracts, orders etc must not be placed with a firm in which an employee has any form of personal interest or connection, not just as a director or partner

Register of Interests

Each Area holds a Declaration of Interests Register in order to record Interests of staff.

Band B-G staff members are required to register their interests and those of close family members, only where there is the potential for a conflict of interest to arise.

SCS staff are required to register **all** their Interests and those of their close family members, on the Declaration of Interest Register. The Interest may not pose a potential conflict of interest in your current post, however may cause conflict in a future post.

The Civil Service Code of Conduct outlines that staff should not put themselves in a position where duty and private interests conflict, nor make use of their official position to further those interests. The DIR is a reminder of our obligation and assists us to manage any areas of potential risk.

The Interests are defined as:

- Business interests (including directorships) not only of the employee but also of close family members
- Shareholdings or other securities/financial interests which the employee or members of their close family hold. There is no need record bank or mortgage details. Where you have Trusts of any type including unit trusts, PEPs, ISAs etc where investments are made on your behalf, please register only the holding organisation e.g. "PEP/ISA - Fidelity International" (cash only ISAs need not be declared). You are not required to register the amount

Any political interest, or interest/membership in an organisation, club or society where there is the potential for a conflict of interest to arise as a result of your official position.

Criminal Convictions and Criminal Charges

Employees are required to declare criminal convictions received prior to employment with COPFS.

In addition, any employee during the time they are employed by COPFS, who is arrested and charged with any criminal offence, served with a petition or a summary criminal complaint on any criminal charge must tell his or her line manager as soon as possible. This does not apply to minor traffic offences (for example a parking offence or simple speeding offence) unless the conviction might result in disqualification arising under totting up provisions or involves use of an official car.

Reporting Criminal Charges: *You, Your Family or Close Friends*

If the employee is an accused person, a potential accused, or the victim or cited to attend court as a witness of a crime then contact must be made with the line manager to make them aware of the potential conflict of interest as the utmost care must be taken to ensure that there can be no suggestion of impropriety in dealing with the case. In such cases in the first instance, employees must contact their line manager to make them aware of the potential conflict of interest. Action must be taken by line management to ensure that the employee has no further access to that particular case.

Similarly, if a COPFS employee is aware, or becomes aware that an accused, or potential accused, or a victim is a close friend or a family member of the employee, the identical considerations apply and employees must contact their line manager to make them aware of the potential conflict of interest.

Reporting Procedure: employee is the accused person

Employee tells his or her line manager that they have either been arrested and charged with any criminal offence or served with an indictment or a summary criminal complaint on any criminal charge. The line manager then ensures that the case cannot be accessed by the employee and that only nominated personnel may access the case using COPFS systems before the case is marked.

Line manager reports the matter to the Area Procurator Fiscal.

In all cases, , it is then reported to the [Professional Standards Committee](#) via the Director of Serious Casework who will decide whether any special arrangements are necessary for handling the case, for example reporting it to Crown Counsel for instruction and who will alert the HR Director to the potential of an internal employment investigation.

Where Crown Counsel instruct proceedings in such a case it may be appropriate for the case to be dealt with in a different Court within the Sheriffdom.

It may also be necessary to suspend an employee who has been arrested or charged with a criminal offence and to instigate disciplinary proceedings. Line managers should see the [Disciplinary Policy](#) for full details and **must** contact HR before taking any action to suspend.

Departure from these procedures may be regarded as a serious breach of COPFS' rules of conduct.

Reporting Procedure: employee is the victim or a witness

Employee tells his or her line manager that they are the victim of a crime or have been cited to attend court as a witness to a crime. (As a rule of thumb, employees are expected to tell their line manager as soon as the police are involved even if they are unaware at that point whether the case will be reported to the Procurator Fiscal.)

If and when the case enters the COPFS system, the line manager then ensures that the case cannot be accessed by the employee and arranges for it to be dealt with by someone else.

Appropriate employee support, for example welfare or EAP support should be offered to the victim alongside the standard victim support arrangements.

The matter need only be reported to the [Professional Standards Committee](#) via the DSC if the Procurator Fiscal proposes proceedings.

Departure from these procedures may be regarded as a serious breach of COPFS' rules of conduct.

Reporting Procedure: Family member or a friend is the accused or the victim

Individuals have a responsibility to determine whether there is the potential for a conflict of interest in relation to family members or friends. This determination will take into account the nature of the incident, the nature of the work they carry out and the nature of the relationship they have with the family member or friend. In some cases it will be entirely clear that a conflict will or may exist and in others less so; however, it is expected that

employees will err on the side of caution when considering the potential conflict.

Where there is any potential conflict of interest (for example where the employee may be able to access information about the family member or close friend) the employee tells his or her line manager about the case.

The line manager then ensures that the case cannot be accessed by the employee and arranges for it to be dealt with by someone else and that only nominated personnel may access the case, using COPFS systems.

The matter is reported to the Area Fiscal to decide whether the matter is then reported to the DSC.

Where Crown Counsel instruct proceedings in such a case it will usually be appropriate for the case to be dealt with at a different Sheriff Court within the Sheriffdom.

Departure from these procedures may be regarded as a serious breach of COPFS' rules of conduct.

Crown Copyright

Under the Copyright, Designs and Patents Act 1988, works made by civil servants in the course of their official duties are subject to Crown copyright protection. The responsibility for the management and licensing of Crown copyright rests with the Queen's Printer for Scotland in accordance with the Scotland Act 1998. The Controller of HMSO, in his or her role as Queen's Printer, and the Queen's Printer for Scotland, authorises the Information Policy team of the Office of Public Sector Information (OPSI) to manage and license the re-use of Crown Copyright on her behalf.

All materials used by employees in the course of their employment are the property of Crown Office and must be returned before employees leave the Service.

Employees must obtain the prior approval of the Crown Agent before entering into any arrangements regarding the publication or dissemination of any Crown copyright protected material by private sector publishers or information providers. Such arrangements would usually be the subject of specific licensing, to be handled by OPSI's Information Policy team. This would not apply in the following circumstances:

- a) Where material is to be published in learned journals or in the

proceedings of conferences or seminars

- b) Where the material in question is to be published in an official, authorised work specifically on behalf of COPFS
- c) Where COPFS is authorised to license the material under specific delegated authority issued by the Office of the Queens' Printers for Scotland (www.oqps.gov.uk).

If you are authorised to license the reproduction of Crown copyright protected material, under the cases specified in above, you must ensure that:

- a) There is an obligation placed on the publisher to acknowledge the Crown copyright source material
- b) Crown copyright is not assigned to the publisher; and
- c) That the material is licensed on non-exclusive terms

Crown copyright is not an issue when an employee produces a copyright work unconnected with their official duties and entirely in their own time. If, however, the work in question is linked to their official duties, they should in the first instance consult the HR Director as a member of the [Professional Standards Committee](#), who in turn may need to consult OPSI. Under these circumstances, the following factors need to be taken into account:

- a) Whether the employee produced the work during official time
- b) Whether the work is based on existing Crown copyright source documents; and
- c) Whether there are security considerations

If an employee writes a book in their own time, which is unrelated to their official duties, but wishes to incorporate extracts of Crown copyright protected material within the work, permission to reproduce the material should be obtained from the Office of the Queens' Printers for Scotland. It is customary in such cases for the licence to be granted in favour of the publisher rather than the author, as it is the publisher which is reproducing the material. It is permissible for the author to submit the application on the publisher's behalf. Where an individual is on secondment outside the Civil Service, copyright in any work which they produce during the term of their secondment will usually rest with the host organisation. This should be covered within the terms of the secondment.

See also rules on publishing [Memoirs](#).

Disclosure of Information

The [Civil Service Code](#) states that as civil servants COPFS employees “must not misuse information which they acquire in the course of their official duties, nor without authority disclose official information which has been communicated in confidence within Government, or received in confidence from others. They must not seek to frustrate the policies, decisions or actions of Government either by declining to take, or abstaining from, action which flows from ministerial decisions or by unauthorised, improper or premature disclosure outside the Government of any information to which they have had access as civil servants”.

Employees are granted access to sensitive information regarding accused persons, witnesses, victims, law enforcement personnel, professional and expert witnesses. This information is only available to enable COPFS employees to perform their duties.

Unauthorised disclosure of information whether deliberate or unintentional to the media or any third party, has the potential to compromise investigations and prosecutions and to cause harm and distress to members of the public, law enforcement partners, or colleagues to whom the information relates. Unauthorised disclosure can also undermine public confidence. It may constitute misconduct and can also be criminal. It is an individual employee’s responsibility to ensure that any action which may require authorisation is properly authorised in advance.

As civil servants, employees of COPFS must continue to observe this duty of confidentiality after they have left Crown employment.

Unless specifically authorised to do so, members of staff should not disclose or use any information other than in the course of their official duties. Employees and (on appropriate occasions) contractors are responsible for the lawful and ethical use of computer systems, which may only be used for

- a) Legitimate business purposes
- b) Limited personal use outside of working hours

Employees must not take part in any activities or make any public statement which might involve the disclosure of official information or draw upon experience gained in their official capacity without the prior approval of the DSC. Employees must clear in advance material for publication, broadcasts or other public discussion which draws on official information or experience. In addition, employees should not accept payment for speeches, broadcasts, interviews etc or books, magazine articles etc written in an official capacity.

Under the terms of the Civil Service Code, civil servants must handle information as openly as possible within the legal framework. COPFS has a

responsibility to provide information to and co-operate with the media. Protocols and procedures are in place to ensure that only appropriate disclosure is made. See further information on COPFS' [media protocols](#) and [Freedom of Information](#).

Dress Code

All employees are expected to dress in a manner which projects a professional and business image at all times. Employees who are required to go into court, meet with solicitors, clients, victims, witnesses etc in any environment, should observe a high professional image by wearing clothes of more formal dress. No employee should dress in a manner which could cause offence or upset to colleagues or the public. It is important to think about the people we deal with and the situations that we meet them in e.g. victims of sexual crimes, bereaved family members, etc.

Employees should note that the Service has tried to ensure that an individual's religious beliefs or cultural identity needs have been taken into account.

Yes to

Chinos; shirts (with or without ties); smart jackets; suits; blouses; skirts; dresses; smart jumpers; trousers; T-shirts (plain or with small brand-name logos which are appropriate for your area of work); smart footwear.

No to

Combat trousers; all other T shirts; cropped tops; sweatshirts; shorts; denim; leggings; sportswear (including rugby and football shirts); trainers.

Individuals have the responsibility to ensure that their clothing and appearance meets the minimum standard set out in this policy. They should inform their Line Manager immediately of any existing medical conditions they have which might affect their ability to adhere to the Dress Policy. If anyone is unsure about what is acceptable, they should seek the advice of their Line Manager.

Line Managers have overall responsibility for ensuring that minimal standards are maintained.

Individuals who do not observe the dress code will be warned and sent home (in their own time) to change into more appropriate dress. Repeated failure (more than twice) to adhere to the minimum standards will be seen as a disciplinary matter and dealt with under the Disciplinary procedures.

All employees should note that "Dress down" days are no longer considered appropriate and will not form part of the working week. However there may

be situations where the policy can be set aside e.g. involvement in Charity events (with the approval of your Line Manager), dirty work, attendance at training events.

The Dress Code does not apply to full-time messengers who are provided with and required to wear a uniform for carrying out messengerial duties. The uniform is flexible and can be adjusted to suit circumstances. Those working in Reprographics have the option to wear the uniform or not, but having chosen to wear the uniform it should not be mixed with personal wear. If the uniform is not worn then the dress code will apply.

Ethical Duties

Procurators Fiscal represent the Lord Advocate, who is politically answerable for their actions and behaviour. However, the actions and behaviour of all employees must be able to be justified to and by the Lord Advocate.

The primary duty of the Procurator Fiscal is to act, without fear or favour, as impartial prosecutor in the public interest. Procurators Fiscal must never act unfairly.

Procurators Fiscal will at all times conduct themselves in a manner consistent with their duties as a prosecutor in the public interest and as an officer of the court. Procurators Fiscal are required to be straightforward and honest with the Court. They must not put forward a statement of events or legal argument which is false or misleading. They must not withhold evidence or knowingly misquote the substance of a document, a witness's testimony, an opposing argument, a text book or a decision.

Employees must respect and maintain the confidentiality of communications made and received in the course of their duties, whether with colleagues or the police or other reporting agencies. Any information received is the property of COPFS and must be handled appropriately and may have to be reported to a more senior colleague. Any difficulties arising as a result of a conflict between breach of confidence and the overall duty to secure the fairness of proceedings should be raised with the line manager.

Employees must not, in the course of an investigation, do or say anything which could interfere with evidence or induce a witness to do otherwise than give in evidence a truthful and honest statement of that person's recollections.

External Influence

With the increasing sophistication of organised crime it is not possible to exclude the possibility that others will seek to utilise the employment of staff within COPFS as a means of attempting to gain access to information or even attempt to influence decision making. In such circumstances, when you are aware that this is a possibility, employees are strongly urged to speak to their line manager urgently and in confidence in order that appropriate measures to assist the member of staff might be put in place and appropriate action taken.

Employees must not share sensitive or confidential information with friends, family or associates or allow themselves to be influenced in their decision making.

Fees for attendance at external events (when representing COPFS)

(See also [Public Speaking](#))

Whether or not a fee should be charged for an employee's participation at events, for example external seminars, will depend on the circumstances, and should be decided on a case-by-case basis.

Payment of a fee may be waived even if the organisation charges participants a fee to cover its costs. But travel and subsistence costs may be recovered. Similarly, if a private sector commercial organisation such as a bank or accountancy firm lays on seminars or conferences as a free service to its clients covering matters on which the Service would otherwise itself have been organising similar publicity, and the Service has an opportunity to participate, then it may not be appropriate to charge a fee, given the savings to the Service in effort and cost had it run its own event; but again travel and subsistence costs may be recovered.

Participation in seminars laid on by large companies for their own managers generally falls into the same category. Payment of a fee may also be waived in other circumstances, for example a speech at a semi social function or where a senior official is standing in for one of the Law Officers or other Minister (Ministers do not accept fees). Employees also have discretion to charge no fee for participation in a panel where little or no preparatory work is needed and where there is a value to the Service in having a representative present.

If there is no overriding case for a fee to be waived, then a suitable amount should be negotiated, especially where the organisers are themselves charging a fee for attendance at the event with a view to making a profit. Where the organisers offer an economic fee, this may be accepted together with travel and subsistence costs. The employee must use his or her discretion about the amount of the fee, having regard as to

- a) Whether or not the organisation initiated the invitation; and
- b) The value to the Service of conveying the message to a particular platform and audience.

Where the event is of little benefit to the Service, apart perhaps from ensuring that Government policy is explained more accurately by us than by an outsider, then a full economic fee should be sought. Where payment of a fee is appropriate, employees should not accept any offer of a non-financial gift as payment in lieu. Whether or not a fee is chargeable, employees may sometimes be offered a personal gift as a token of thanks for their participation (see the [rules governing the acceptance of gifts](#)).

The appropriate [Learning and Development form](#) may need to be completed.

Fraud and Irregularity

COPFS has a responsibility to establish and maintain effective controls to prevent fraud and irregularities and employees have a responsibility to report their suspicions to line Management. Scottish Government Internal Audit assesses the effectiveness of controls and reports its findings to the Crown Agent as Accounting Officer but the primary responsibility for prevention and detection rests with line management. Fraud in this context is not confined to the narrow legal definition of the crime of fraud, but includes any dishonest activity which is intended to be to the benefit or detriment of any employee or the Service.

In addition, the Accounting Officer has delegated certain responsibilities to Area Procurator Fiscals who must ensure that, so far as possible, any fraud or irregularity which does occur is detected and that it is investigated promptly. Existing systems should provide effective controls but in the event of any fraud or irregularity being discovered the Crown Agent must be notified. Where there is evidence or strong suspicion of theft or fraud, the Procurator Fiscal should inform the [Professional Standards Committee](#) in order that the Director of Serious Casework and HR Director may decide on appropriate action, including informing the police. Where fraud and irregularity is discovered, the Professional Standards Committee will arrange for an investigation to be carried out to determine whether there has been failure of supervision, with the possibility of disciplinary action being taken against line management where appropriate.

The need to be alert to the possibility of fraud and irregularity extends beyond the misappropriation of cash and valuables/assets. For example, abuses of time and working practices are fraudulent.

Examples of fraud include:

- a) Acceptance of bribes or payoffs e.g. to suppress a case or to show favour to a contractor

- b) Diversion to the individual employee or outsider of a potentially profitable transaction that would normally generate profit or benefit for the Department e.g. contracts for goods, etc.
- c) Embezzlement, as typified by the misappropriation of money or property, and falsification of financial records to cover up the act thus making detection difficult e.g. imprest funds
- d) Intentional concealment or misrepresentation of events or data, whether financial or management e.g. management of PROMIS data
- e) Claims submitted for services or goods not actually provided to the organisation e.g. false travel claims or false witness expenses claims

See also the [Whistleblowing Policy](#) for information on protected disclosures.

Gifts and Hospitality

Civil servants must not receive gifts, hospitality or benefits of any kind from a third party which might be seen to compromise their personal judgement or integrity.

COPFS employees must not accept such offers without considering very carefully the propriety of acceptance or possible conflict of interest issues.

It is an offence under the Prevention of Corruption Act 1906 for any civil servant in his or her official capacity corruptly to accept any gift or consideration as an inducement or reward for:

- a) Doing, or refraining from doing, anything; or
- b) Showing favour or disfavour to any person

Moreover, under the Prevention of Corruption Act 1916, any money, gift or consideration received by an employee from a person or organisation holding or seeking to obtain a Government contract will be deemed by the Courts to have been received corruptly unless the employee proves the contrary.

The Prevention of Corruption Acts do not distinguish between inducements and rewards. A "thank you" gift, made after the event, is just as criminal as a bribe.

Principles governing acceptance of gifts and hospitality

The primary responsibility for deciding whether to accept a gift of insignificant value, or an unsolicited gift, lies with individual employees in consultation with their line manager. In deciding how to respond employees should act in accordance with the guidance set out here. If there is any

doubt as to the propriety of accepting a gift or hospitality, the only safe course is to decline.

HR Division is available for consultation if an employee or line manager feels that there are circumstances surrounding a particular gift or occasion which are not covered by the principles stated or the following advice and which merit special consideration.

The guiding principles governing the acceptance of gifts and hospitality are:

- a) That the conduct of individual civil servants should not foster the suspicion of any conflict between their official duty and their private interest; and
- b) That the actions of the Service's employees acting in an official capacity should not give the impression to any member of the public, to any organisation with whom they deal, or to their colleagues, that they have been or may have been influenced by a gift or consideration to show favour or disfavour to any person or organisation

Employees should be alert to the possibility of gifts being presented as "prizes" and must not participate in competitions which are reserved to those who are in a position to place orders with a company or which might be seen to compromise your integrity.

Acceptance and Refusal of Gifts

Unsolicited gifts which are received should normally be returned with a suitable letter of refusal which explains the Service's policy. Only where refusal will clearly cause misunderstanding or offence to the donor or intending donor (especially if an overseas government or government agency) should consideration be given to accepting the offer or retaining the unsolicited gift. An action appropriate in some circumstances would be to let the donor know that the gift has been accepted on behalf of the Service and that it has (for example) been put on display in the employee's office. This will make it clear to the donor, and anyone else, that no personal advantage will be gained from the gift.

Where it is impossible to obtain advance instructions on the suitability of accepting a gift, but the employee considers it impolite to refuse, the circumstances should be reported to the HR Director for a determination on whether the gift should be retained or returned. Where such a gift is retained it will normally be retained by the Service rather than the individual employee. If an employee is in any doubt whatsoever, he or she must discuss the matter with the HR Director whose decision on the matter and the reasons for it should be put in writing.

If the employee decides that it would not be proper to accept the offer of a particular gift, reward or benefit, then it should be politely refused with the explanation that COPFS employees are not permitted to receive or retain gifts (other than gifts of trivial value). It is essential to be particularly circumspect if the gift is from a commercial organisation (including a trade association) and even more so if it is from a body with whom the employee has just been, or will soon be, involved in business with financial and/or contractual implications.

Register of Gifts

In terms of Government Accounting requirements the Service is required to maintain a register containing details of gifts received by the Service, their estimated value and what happened to them. A register of any valuable gifts will be retained by the HR Director. [Link to form](#)

Gifts valued at under £15

Gifts and benefits of a trivial or inexpensive nature or promotional gifts intended as advertising material and of little value can be distinguished from more substantial offers. All gifts which have a retail value clearly of under £15, and which are acceptable in terms of other criteria, may be accepted without reference to the HR Director.

Gifts valued at between £15 and £30

Gifts which have a retail value of between £15 and £30 must be reported to the HR Director and, subject to considerations of propriety, may be accepted or retained on the judgement of the recipient.

Gifts valued at more than £30

All gifts worth more than £30 in terms of retail value must be reported to the HR Director and may only be retained with the HR Director's approval.

Gifts given while abroad / international goodwill gifts

If an individual is given a gift while abroad, it will be necessary to consider whether or not it should be declared to HMRC. Purely private gifts come under the normal rules for travellers. That is, they need not be declared unless their value (together with any other gifts which have been acquired abroad) exceed the normal allowances. However there are special arrangements for international goodwill gifts received by ministers or officials in their representative capacity. Any queries should be addressed to HR Division.

If you receive a gift imported from abroad, HMRC must be consulted about liability to duty and VAT. HR should be consulted if, having been relieved of duty and tax at the time of importation, the gift is disposed of within 2 years.

Hospitality

COPFS employees who are offered hospitality must act with care to ensure that their personal integrity and the integrity of the Service is not compromised.

The normal place for conducting business is at a COPFS office or the place of business of the individual or organisation offering hospitality. Only when it is considered necessary in the legitimate interest of the conduct of the Service's aims, should offers of hospitality elsewhere be accepted. If there is any doubt, you should consult a senior manager of at least Band F level.

Before deciding to accept an offer of hospitality, you should be satisfied that it is conventional hospitality, normal and reasonable in the circumstances. In considering what is normal and reasonable, regard should be had:

- a) **To the legitimate reason for the contact.** Is there a clear and sufficient reason, of benefit to COPFS, for the contact in connection with which hospitality is being offered? Is personal participation necessary?
- b) **To the frequency.** Acceptance of frequent, regular, annual or seasonal invitations particularly from the same source would breach the required standards of conduct. There would however be no objection to the acceptance of, for example, an invitation to the annual dinner of a large trade association or similar body with whom the Service has close day-to-day contact
- c) **To the nature of the relationship.** Contacts which are promotional, representational or information gathering are less likely to create obligation or embarrassment than those which are regulatory or which involve or could lead to a contractual relationship between the Service and the contact
- d) **To the cost and character of the hospitality.** The greater the cost, relative to the associated business to be transacted, the more caution should be exercised in accepting. Hospitality which extends beyond meals to the provision of accommodation, travel or entertainment (including at sporting and cultural events) will normally be inappropriate and should be declined. Entertainment which is provided in connection with, and which is offered generally to, those attending a conference may be accepted if its nature and the identity of the host organisation is not such as to risk compromising or embarrassing the employee or COPFS. Similar considerations apply to entertainment

provided on foreign visits where employees attend in a representative capacity

If you consider that attendance at any event which would normally be excluded on the above principles is justified in terms of the Service's work, prior agreement must be obtained from the HR Director or other senior manager of Senior Civil Service rank, whose decision and the reasons for it should be recorded in the register of hospitality.

Register of Hospitality

A register of hospitality will be kept by each Area Procurator Fiscal/Head of Unit and by the Director of Serious Casework (for Crown Office) which must be made available for inspection as requested by the Crown Agent, the HR Director and auditors, or otherwise on their direction.

Employees who are offered and accept hospitality should complete **the gift and hospitality form**.

It is particularly important that employees involved in procurement report immediately on the receipt of an offer of hospitality and record whether or not the offer of hospitality has been accepted.

There is no requirement routinely to report trivial hospitality, for example involving drinks, light snacks or informal lunches, or to report reasonable hospitality in the form of meals provided during a business meeting, conference or seminar. Employees should, however, report meals provided outside the format of a business meeting (for example in a restaurant) and should report any hospitality which might reasonably be seen to compromise their personal judgement or integrity.

Presentation of Gifts by Civil Servants

Employees are not generally expected to carry gifts when undertaking visits whilst on official duties, although they may of course provide personal gifts at their own expense if they so wish. Public funds are available for the purchase of official gifts but this provision is, strictly speaking, reserved for Ministers; however, it may be extended to officials when they are undertaking visits that would normally be made by Ministers, or otherwise deputising for Ministers.

Identity Passes

All employees are reminded that the use of COPFS Identity Passes is for official identification purposes only and should never be misused. Care must be taken to ensure that passes are not lost or stolen and passes must not be worn in public. Employees must report lost ID passes to their line manager and the Departmental Security Officer. ID passes must be returned to the line manager when an employee leaves the Service

Media Protocols

General Principles

In Government, Ministers are the main channel of communication with the media and it is primarily for them to explain and substantiate Government policy and actions. The position of Civil Servants in their relations with journalists is not, therefore, straightforward. If and when we deal with the media, we do so on behalf of Ministers and our actions must reflect that essential fact. However, provided the process is properly considered and conducted, it is perfectly in order, even advantageous, for officials to explain what the Government's policy is; to give factual background; to explain issues; and to discuss the various considerations that have led to the Government's choice between alternative policies.

It is not desirable that employees should be involved in broadcast discussions on subjects which are politically controversial or in any unrehearsed or unscripted debates. It may be more appropriate for a Minister to take part rather than an official. It is primarily the task of the Crown Office Communications Unit to advise Ministers and the Chief Executive/Crown Agent the presentation of COPFS policies. While the Communications Unit leads the co-ordination of in COPFS media relations, contacts with the media can, however, be a normal and proper part of the duties of other officials, especially at more senior levels. There is no intention to discourage that. Those who are expected to have such contacts, as part of their job, receive detailed briefing and guidance. Employees who receive an unexpected call from a journalist or who come into casual contact with a journalist, whether at work or outside, or whose work does not involve regular dealings with the media, should remember in particular, that:

- Care and forethought are always necessary; and
- It is the Communications Unit's responsibility to give detailed guidance and briefing to anyone who has to deal with the media, whether on a regular or occasional basis

In addition to the considerations mentioned in the paragraph below, all dealings and contacts with the journalists are governed both by the general principles of conduct, which require high personal standards of honesty and integrity; and by the rules on the [use of official information](#).

Caution should be exercised when dealing with journalists, especially if an employee has little experience in that field. Informal chats with them have obvious pitfalls as do contacts of a personal or social nature. Discussion on official matters should be put on a formal basis. Be careful that informality or apparent confidentiality does not lead to an attempt to gain official information that would not otherwise be available, especially in respect of information, which is held by COPFS on trust and is not its own to divulge. Be particularly careful that the acceptance of hospitality does not give rise to a feeling of obligation.

Dealing with Approaches from the Media

Responses to journalists will depend on the nature of the approach. Unless it is a practical impossibility or the enquiry is routine in terms of guidance issued by the Communications Unit in handling media enquiries, the Communications Unit and relevant senior officials must be consulted before talking to a journalist or accepting an invitation to brief a journalist. They may be aware of relevant considerations which are not otherwise evident. For instance it may be that the journalist is pursuing parallel inquiries with more than one official or with more than one Department. If at work and a call from a journalist is received, take down the details of the enquiry and arrange for the call to be returned. Always tell the Communications Unit and follow their advice. Any employee below Band E should tell their line manager. If, for any reason, an employee comes into casual contact with a journalist outside the office (for example, at an official reception or some similar function), then they should follow carefully the guidance in this section and tell the Communications Unit of any discussion of substance at the earliest opportunity. Again if the individual is below Band E, their line manager must be advised. This also applies if an employee is approached by a journalist in their private life, with a view to discussions about official matters.

There is specific advice for trade union officials dealing with media enquiries under the [Trade Union](#) section.

In considering any discussion with the media, bear in mind the following:

- It may be more appropriate for a Minister rather than an official to give an interview. The Minister's office must be consulted before implying the participation of the Minister. Such consultation will normally be carried out by the Communications Unit;
- Specific Ministerial authority must be sought for any significant pre-arranged discussions by officials with journalist;
- Discussions with journalists are best held in the office with a Communications Officer present but this is usually not practicable. Occasionally it may be useful to accept an invitation to a meeting over

lunch, but consult the Communications Unit first. In this case, and indeed whenever the Communications Officer is not present, give them a full account of any briefing given to a journalist.

Being Interviewed - Do's and Don'ts

If it becomes an employee's responsibility to talk to a journalist, they should bear in mind the following important Do's and Don'ts:

- DO discuss with the Communications Unit the objectives of the interview, the background facts, and the balance, which they are seeking to achieve;
- DO establish the status of the interview. Briefing journalists by officials is usually best done on an unattributable basis, but establish at the outset whether the briefing may be attributed to the official by name, to "sources", or is entirely for background. The Communications Officer will help. Contact him or her before opening negotiations;
- DO draw a distinction between discussing and elaborating on matters where Government policy has already been announced, and commenting on those where it has not. In the latter case DON'T get involved in discussion, which might prejudice a future decision or announcement. Keep in mind the convention that Ministers announce significant developments of policy first to Parliament;
- DON'T be drawn into expression of "personal" views or say anything "in confidence". DO assume that anything, which you say might be published. Be mindful of the risks of mischief, misinterpretation and embarrassment to Ministers inherent in discussion of politically controversial matters or current or pending ministerial policy;
- DON'T disclose information which is classified; or which is sensitive; or which is covered by any form of privacy marking;
- DON'T compromise the principle of collective Ministerial responsibility nor expose or discuss differences of view between Ministers, or between Ministers and their Civil Service advisers. DON'T disclose information about the relationship between Ministers, nor in Cabinet or Cabinet Committees; nor between Ministers and officials; nor about the relationship of the Service with another Department;
- DON'T bring into question the impartiality of the Civil Service.

Giving Interviews in a Personal Capacity

An employee does not need the Service's permission for interviews which are given in a personal capacity, provided that the interview has no bearing on any official matter (whether it relates to their own or someone else's area of responsibility, either in the Crown Office and Procurator Fiscal Service or outside it); that the subject is not one of current or potential political controversy; and that no mention is made of their official position. They

should bear in mind that it is not unknown for the media unilaterally and without warning to extend the scope of an interview for wider purposes, particularly if they think that an official can add to a story or an issue. If the interviewer does try to do this, they should merely respond by saying that the subject is outside the agreed scope of the interview.

Newspaper Interviews

Employees should NOT, in their private capacities, accept any invitations for interview by newspapers etc, on matters involving the use of official information, knowledge or experience. Any request received MUST be referred to the Communications Unit.

Outside Surveys

Employees may be approached by organisations or individuals who want to claim the views of civil servants as such as a contribution to particular research projects. These may include market research surveys by commercial organisations as well as research studies by non-commercial organisations or individuals. Projects may often seek the views of senior employees in the public service and industry by means of questionnaires followed by personal interviews. The following guidelines are suggested when considering requests to participate in a survey:

- Find out who is conducting the survey:
 - A commercial organisation
 - An agency. Establish the organisation on whose behalf the agency is working
 - A non-commercial organisation (these will usually take the form of studies by research workers)
- Ask for details of:
 - The aims of the survey
 - The proposed method of operation
- Have regard to the scope and depth of the questions likely to be asked, and particularly to any matters which might be especially sensitive. Where possible get details of the questions
- Get a list of the individuals to be approached
- Take account of the fact that surveys of this kind may involve approaches to senior management. They can take up a great deal of time of senior management
- Consider how far the outcome of the research activities will be of value to themselves
- Consider any wider benefits to the Service

Employees who are approached to participate in a survey should always first consult their senior line management before taking the matter forward. Anyone who participates in a survey should comply with the rules governing the use of official information.

Memoirs

Employees must not publish or broadcast personal memoirs reflecting their experience in COPFS, or enter into commitments to do so, whilst in Crown employment. The permission of the Crown Agent and the Head of the Home Civil Service must be sought before entering into a contractual commitment to publish such memoirs after leaving the service.

Proposed memoirs should be submitted in good time before any proposed publication date. In reviewing information for publication, the Crown Agent and the Head of the Home Civil Service will have regard to whether the information could cause damage to international relations; national security or to the confidential relationships between Ministers, and between Ministers and civil servants.

Employees who are appointed to sensitive posts will, as a condition of taking up such a post, be taken to have assigned to the Crown, copyright in any future work which relates to their employment and/or which contains or relies upon official information which came into their knowledge or possession by virtue of their employment as a civil servant. Where permission to publish the work (or parts of it) is provided by the Crown Agent, the Crown will reassign copyright in the relevant part of the work.

Ministerial Contact and Correspondence

The Lord Advocate, as ministerial head of COPFS, and the Solicitor General, as deputy to the Lord Advocate (collectively known as the Law Officers) may exercise any of the functions of the Scottish Ministers.

In all contacts with the Law Officers or other Ministers it is essential to be completely open in providing information. Awkward facts must not be avoided and the Law Officers and other Ministers must never be misled. Employees preparing background notes must include all the information needed for a full understanding of the individual case or subject concerned.

Policy Division will draft the replies to letters addressed to Ministers. These letters will usually be passed to Policy Division by the Minister's Private Office.

Ministerial correspondence received by any other Procurator Fiscal's office, and requests from another Government Department or Agency for a

contribution for inclusion in a draft reply to Ministerial correspondence, should also be passed to Policy Division.

The Law Officers respond personally to correspondence from Members of the Scottish Parliament, Members of Parliament, Members of the European Parliament and Peers. Other correspondence addressed to the Law Officers is normally sent to the Private Office/ Policy Division who answer these letters on behalf of the Minister.

Most other communications from the Law Officers or other Ministers to the Service will be addressed to the Crown Agent. Any other employee receiving a letter or a minute from a Minister, which is not on behalf of a constituent, should contact Policy Division for advice.

When it has been agreed that another employee should send a submission to the Law Officers or other Minister it is essential that it is discussed with, and the final version copied to, Policy Division who maintain a comprehensive record of submissions.

Whenever possible, Ministers must be told about any matters which are reported in the media, before they receive national publicity. Full background information about contentious local issues which may escalate into national issues must therefore be sent at the earliest opportunity to Policy Division who will inform the Communications Team.

Policy Division is responsible for liaising with the Law Officers and other Ministers' Private Offices over proposed meetings and visits to offices for providing briefing.

Employees are free to contact their own MSP or MP on personal or constituency matters, and nothing is intended to restrict that freedom.

Policy Division will draft the replies to letters from MSPs, MPs, MEPs and Peers, which are addressed to the Crown Agent, after seeking advice from Area Offices as appropriate. Letters from MSPs, MPs, MEPs and Peers which are addressed to other employees, e.g. Area Procurator Fiscal, Procurator Fiscal etc, should be handled as follows:

- a) If the letter does not relate to the Service's policy, the recipient should draft and send the reply. However, the draft should be cleared with Policy Division before despatch, as they maintain a comprehensive record of MSPs, MPs, and House of Lords' correspondence and can ensure that all replies are consistent
- b) If the letter relates in any way to the Service's policy, it should be sent to Policy Division who will usually draft and send the reply, after seeking advice as appropriate

Official Secrets Act

The Official Secrets Act 1989 came into force on 1 March 1990. The 1989 Act replaces section 2 of the Official Secrets Act 1911, under which it was a criminal offence to disclose any official information without lawful authority. Under the 1989 Act it is an offence to disclose official information only in six specified categories and only if the disclosure is damaging to the national interest.

This guide gives answers to basic questions about how the new law might affect them. It does not cover everything in the Act.

Who is affected by the Act?

The act applies to:

- Crown Servants, including:
 - government Ministers;
 - civil servants, including members of the diplomatic service;
 - members of the armed forces;
 - the police.
- Government contractors, including anyone who is not a Crown servant but who provides or is employed in the provision of goods or services for the purposes of a minister;
- A small number of office holders and the members and employees of a small number of non-government organisations, Crown servants for the purposes of the Act;
- Members of the public and others who are not Crown servants or government contractors but who have, or have had, official information in their possession.

What is 'official information'?

This means any information, document or article which a Crown servant or a government contractor has or has had in his or her possession by virtue of his or her position as such.

What are the six specified categories of official information protected by the Act?

It is an offence for a Crown servant or government contractor to disclose official information in any of the following categories if the disclosure is made without lawful authority and is damaging. The categories are:

- Security and intelligence;
- Defence;
- International relations;

- Foreign confidences;
- Information which might lead to the commission of crime;
- The special investigation powers under the interception of Communications Act 1985 and the Security Service Act 1989.

When is a disclosure damaging?

The Act sets a different test or tests of damage for each of the six categories of information. For an offence to be committed under the Act, the disclosure of information must in general have damaged the national interest in the particular way, or ways, specified in the Act for the category of official information in question. It is ultimately for the jury to decide, when the case comes to trial, whether damage has in fact occurred.

When is a disclosure made without lawful authority?

Crown servants may disclose official information only in accordance with their official duty, Government contractors may do so only in accordance with an official authorisation or for the purposes of their functions as government contractors and without contravening an official restriction. In any other circumstances a disclosure is made without lawful authority.

What about members of the public?

If a member of the public – or any other person who is not a Crown servant or government contractor under the Act – has in his or her possession official information in one of the protected categories, and the information has been:

- Disclosed without lawful authority; or
- Entrusted by a Crown servant or government contractor on terms requiring it to be held in confidence.

It is an offence to disclose the information without lawful authority.

It is also an offence to make a damaging disclosure of information relating to security or intelligence, defence or international relations which has been:

- Communicated in confidence to another State or an international organisation; and
- The information has come into a person's possession without the authority of that State or organisation.

It is an offence to disclose means of access to protected information.

It is an offence for anyone to disclose official information which it would be reasonable to expect might be used to obtain access to information protected by the Act.

What about the security and intelligence services?

For:

- present and former members of the security and intelligence services; and
- people who have been notified in writing that they are subject to sections 1(1) of the Act.

It is an offence to disclose without lawful authority any official information about security or intelligence. There is no damage test.

What are the penalties for unauthorised disclosure?

Offences for unauthorised disclosure under the Act may be tried either on indictment, by the Crown Court, or summarily, by a magistrates' court. The maximum penalties are 2 years' imprisonment or an unlimited fine, or both, if the offence is tried on indictment, and 6 months imprisonment or a £2000 fine, or both, if the offence is tried summarily.

What about safeguarding information?

It is also an offence under the Act:

- For a Crown servant, a government contractor or a notified person to fail to take reasonable care to prevent the unauthorised disclosure of a document or article which is protected by the Act;
- For a Crown servant or a notified person to retain such a document or article contrary to official duty;
- For a government contractor or a member of the public to fail to comply with an official direction for the return or disposal of such a document or article.

These are summary offences, triable in England and Wales by a magistrates' court. The maximum penalties are 3 months' imprisonment or a £2000 fine, or both.

Section 1 of the Official Secrets Act 1991

The 1989 Act does not affect the operation of Section 1 of the Official Secrets Act 1911, which protects information useful to an enemy. The maximum penalty for offences under section 1 of the 1911 Act is 14 years' imprisonment.

Performance at Work

Link to [Appraisal](#) and [Poor Performance](#)

Political Interests and Activity

Civil servants owe their allegiance to the Crown. In its executive capacity, the authority of the Crown is exercised through the Government of the day. You are therefore required to serve the Government of the day of whatever political persuasion.

For the Civil Service to serve successive governments of different political complexions it is essential Cabinet Secretaries, Ministers and the public should have confidence that civil servants' personal views do not cut across the discharge of their official duties.

The intent of the rules governing political activities by civil servants is to allow you the greatest possible freedom to participate in public affairs without infringing these fundamental principles. The rules are concerned with political activities liable to give public expression to political views, rather than privately-held beliefs and opinions. Further guidance is issued to employees at the time of an Election.

For the purpose of regulating the conduct of civil servants, political activities have been defined as follows: -

National political activities

- Public announcement as a candidate for the: Scottish Parliament; UK Parliament; European Parliament; or the National Assembly for Wales
- Holding, in party political organisations, office which impinges wholly or mainly on party politics in the field of the: Scottish Parliament; UK Parliament; European Parliament; or the National Assembly for Wales
- Speaking in public on matters of national political controversy
- Expressing views on such matters in letters to the Press, or in books, articles and leaflets
- Canvassing on behalf of a candidate for the: Scottish Parliament; UK Parliament; European Parliament; or the National Assembly for Wales, or on behalf of a political party

Local political activities

- Candidature for, or co-option to, local authorities
- Holding, in party political organisations, office impinging wholly or mainly on party politics in the local field

- Speaking in public on matters of local political controversy
- Expressing views on such matters in letters to the Press, or in books, articles or leaflets
- Canvassing on behalf of candidates for election to local authorities or local political organisations.

All employees are free to participate in community council affairs provided such activities do not interfere with their official duties.

The Civil Service is divided into 3 distinct groups in regard to participation in political activities:

1. **The politically free** - those completely free to engage in national and local political activities as defined above
2. **The intermediate group** - those eligible to engage in most of the defined activities by permission of the HR Director and subject to certain conditions
3. **The politically restricted** - those debarred from engaging in the activities defined as national political activities but free to seek permission from the HR Director to engage in the activities defined as local political activities

The Politically Free Group

This includes all industrial and non office staff - generally, those whose duties are primarily of a messengerial, reprographics or similar nature. Such employees are allowed the freedom to take part in all political activities, both national and local, subject to the observance of the [general rules concerning political activity](#). However, if you intend to stand for the Scottish Parliament; UK Parliament; European Parliament; or the National Assembly for Wales, you should seek approval from the HR Director.

The Intermediate Group

This includes all staff up to and including administrative Band E and legal grade SPFD with the exception of those who fall into the politically free group.

If you are in this group you must make individual application for permission to take part in national or local political activities. If permission is granted, you must observe the general rules set out in the [general rules concerning political activity](#) and the [code of discretion](#). COPFS reserves the right to withdraw permission at any time and without prior notice if there is a change in relevant circumstances.

If you are given permission to take part in local political activities and are subsequently elected to a local authority you must inform your Area Business Manager/Head of Unit/Area Fiscal and the HR Director.

The Politically Restricted

This includes all staff in administrative and legal Band F and above.

If you are in this group you are completely barred from national political activities, although you may seek permission to take part in local political activities. If permission is granted, it will be subject to the observance of the [general rules concerning political activity](#) and the [code of discretion](#). COPFS reserves the right to withdraw permission at any time without prior notice if there is a change in relevant circumstances.

If you are given permission to take part in local political activities and are subsequently elected to a local authority you must inform your Area Business Manager/Head of Unit/Area Fiscal and the HR Director.

General rules concerning political activity

You must not take part in any political activity when on duty, or in uniform, or on official premises. You must not attend in your official capacity outside conferences or functions convened by or under the aegis of a party political organisation.

Parliamentary Candidature

Civil Servants are disqualified from election to the Scottish Parliament; UK Parliament; European Parliament; and National Assembly for Wales and must therefore resign from the Civil Service before standing for election. If you are in the politically free group you are not required to resign on adoption as a prospective candidate but to prevent your election being held to be void, you must submit your resignation before you give consent to nomination in accordance with Parliamentary Election Rules.

If you are in the politically free group and resign to stand for election you will be reinstated provided you apply within a week of declaration day if you are not elected. If you are elected you will still be subsequently reinstated if:

1. You cease to be a Member after an absence from the Civil Service of not more than 5 years
2. You have had at least 10 years service before your election; **and**
3. You apply for reinstatement within 3 months of ceasing to be a Member

The HR Director has discretion to consider applications for re-instatement in cases where conditions 1 and 2 are not met.

The HR Director also has discretion to reinstate staff who are not in the politically free category following their resignation to stand for election to the Scottish Parliament; UK Parliament; European Parliament; and National Assembly for Wales.

Where staff are reinstated the period of the break will not count for pay or pension purposes nor will salary be payable during the break.

Limitations on political activity

If you decide to participate in political activities, you are reminded that such permission is dictated by your post at the time. You remain liable in the usual way to re-assignment to other duties. Within this context and subject to the constraints of your particular circumstances, COPFS will try to meet individual wishes in order that a permitted political activity may be continued, in the same way that it may be possible to accommodate other individual preferences. This may, however, have the effect of limiting your range of experience. If you move to a post for which permission cannot be granted you will, of course, be required to relinquish your political activities.

If you are given permission you are not required to re-apply for it except in the event of a change of band, or a move to another post, or if an extension of your political activities is contemplated.

Code of Discretion

When permission is given to employees in the intermediate or politically restricted groups, your political views should not constitute so strong or comprehensive a commitment to the beliefs of one political party as to inhibit or appear to inhibit loyal and effective service to Ministers of another party. Employees in these groups are accordingly subject to the following code of discretion when engaging in political activities:

- You should bear in mind that you are a public servant working under the direction of Ministers forming the government of the day. While you are not debarred from advocating or criticising the policy of any political party, comment should be expressed in moderation, particularly in relation to matters for which Cabinet Secretaries and Ministers are responsible. Indeed, all comment should be avoided if the issue concerned is controversial. Personal attacks should also be avoided
- You should take every care to avoid any embarrassment to Cabinet Secretaries, Ministers or COPFS which could result, inadvertently or

otherwise, from bringing yourself prominently to public notice, as a civil servant, in party political controversy

- Permission to participate in local political activities only is granted on condition that you act with moderation and discretion at all times, particularly in matters affecting COPFS, and take care not to involve yourself in matters of political controversy which are of a national rather than local significance
- If you are not in the politically free category and have not been given permission to engage in political activities, you must retain at all times a proper reticence in matters of political controversy so that your impartiality is beyond question

Employees in Bands B-G are required to register political activity where there is the potential for a conflict of interest to arise. Senior Civil Servants are required to register all political activity.

Applying for permission

Employees should apply for permission to take part in any form of political activity (other than being a member of a political party) to the HR Director. Applications must be in writing and be copied to your ABM, Head of Unit or Area Fiscal as appropriate.

Normally, anyone who has been given permission to take part in national political activities may also take part in local activities, although separate permission must be sought. Employees seeking permission to be nominated as a candidate for election or to be co-opted to a local authority must explain in their application whether the work covered by the authority relates in any way to their COPFS duties. Each application will be assessed on its individual merits.

Appeals

If you are refused permission to take part in political activities, or have permission to do so withdrawn, a full explanation of the reasons for the decision will be given, and you have the right of appeal in line with the COPFS [appeal process](#).

Attendance at Party Conferences in a Private Capacity

Civil servants may be permitted to attend party conferences in a private capacity. However, all civil servants are bound by the rules on political activities set out in section 4.4 of the [Civil Service Management Code](#)

The nature of some Civil Service roles will make attendance at Party Conferences in a private capacity inappropriate. Any civil servant planning to attend a Party Conference in a private capacity should seek advice from their line manager or HR. Advice will be given to members of staff in terms of the guidance contained in the Civil Service Management Code under [section 4.4 Annex A \(paragraphs 1 and 2\)](#).

Public Speaking

Employees may speak at public engagements. However, they must not make any public statement which might involve the disclosure of official information or draw upon experience gained in their official capacity without the prior approval of the Director of Serious Casework. Employees must clear in advance material for publication, broadcasts or other public discussion which draws on official information or experience. In addition, they must not offer personal views on the performance of other public bodies when making presentations.

A form must also be submitted to Learning and Development showing that you have sought [approval to undertake the public speaking engagement](#).

See also [Fees for Attendance at Events](#), [Media Protocols](#) and [Disclosure of Information](#)

Private Practice

See the [Book of Regulations](#) and [Outside Appointments](#) for full details.

Radio/Music at Work

To ensure compliance with copyright law, music should not be played at work so that others, whether staff or members of the public, can hear it.

Security Vetting

COPFS takes care when placing employees in positions where the likelihood or potential for compromise is increased. Risk reduction begins with a robust vetting policy. Employees in COPFS must make full and frank disclosure throughout any vetting procedure in which they become involved. The level of vetting undertaken will depend upon the employee's role and

responsibilities within COPFS and the level of vetting required. If you have any concerns about the potential for compromise in your role you may speak in confidence to a member of the [Professional Standards Committee](#).

Sequestration (Bankruptcy) / Insolvency/ Trust Deeds

COPFS has a duty under the Civil Service Code to ensure that employees who are bankrupt or insolvent are not employed on duties which might permit the misappropriation of public funds. Therefore any COPFS employee who applies for a sequestration order, declares themselves insolvent or enters into a trust deed must at once report the fact to their line manager who will then in turn report the matter to the Area Procurator Fiscal. Where a member of legal staff applies for a sequestration order or enters into a trust deed the Director of Serious Casework must be informed in order that any supportive action can be taken by the [Professional Standards Committee](#).

Departure from these procedures may be regarded as a serious breach of COPFS' rules of conduct.

Smoking

In order to comply with the [Smoking, Health and Social Care \(Scotland\) Act 2005](#), smoking is not permitted at any time within any COPFS office, premises or vehicles. This includes employee workstations, meeting/training rooms, toilets, lifts, stairs, corridors, canteens, rest areas, and building periphery such as access and egress routes.

COPFS has a duty of care under the Health & Safety at Work Act 1974 and under the Safety and Health of Pregnant Workers Directive to provide a safe and healthy workplace and the Service is committed to ensuring a smoke free environment for employees, contractors and visitors.

Those employees who do not comply with the smoking law are liable to a [fixed penalty fine](#) and possible criminal prosecution. In addition, COPFS will immediately instigate [disciplinary action](#) in such circumstances.

This policy applies to all employees, contractors, visitors and customers without exception.

Smoking Breaks

Whilst COPFS seeks to improve the health of employees by raising awareness on a wide range of lifestyle health issues and risks, the Service recognises that stopping smoking is not a choice that all employees are prepared to make.

In order to further promote the health and wellbeing of employees and, in order for the business of COPFS to run efficiently, those who do smoke may do so only during authorised break times.

There is no requirement for COPFS to provide additional breaks for employees who wish to smoke and the Service takes a serious view of smoking outwith authorised breaks. Any breaches of this policy may result in [disciplinary action](#).

Smoking Areas

It is the responsibility of local managers to determine whether or not external areas for employees/visitors to smoke will be provided. Where no such areas or facilities exist local managers should ensure that employees/visitors do not smoke in unauthorised areas.

Where COPFS is a minor occupier within a building and the major occupier has made arrangements to provide an external area or facility for employees who wish to smoke COPFS employees should adhere to the locally agreed guidelines.

The Service takes a serious view of smoking in prohibited areas and [disciplinary action](#) will be taken where appropriate.

Employees are obliged to ensure that smoking does not take place in any COPFS premises.

Smoking Cessation

Employees can apply for time away from work to attend smoking cessation appointments. These are treated in the same way as doctor or hospital appointments in that appointments should be arranged outside normal working hours where this is practicable. If this is not possible employees should try to make appointments at the beginning or end of the working day to minimise the impact on colleagues and work. If any appointment is during the working day permission must be sought from the employee's line manager in the first instance.

Support for Smokers

The Service is committed to helping smokers give up smoking by making advice and information on support options available.

Employees can find out more about smoking and obtain support if they are trying to give up from the following sources:

- [Staff Welfare Officers](#): Ian Hanlon on 0844 561 4052 and Kay Menzies on 0844 561 4053 – can offer general advice and support
- The [Employee Assistance Programme](#) (EAP) on 0800 587 5670, a 24-hour free phone service offers advice, support and counselling if required
- Your local Healthy Working Lives committee for information on what support is available through local Health Boards
- Smokeline: a national telephone helpline, available 12 noon -12 midnight on 0800 848484
- ASH: Action on Smoking (www.ashscotland.org.uk) on 0131 225 4725. ASH in partnership with Health Scotland produce a magazine called Aspire (to stop smoking), which is available in hard copy and on-line
- NHS Health Scotland: (www.canstopsmoking.com) gives free help and support to those trying to stop smoking
- Many GP surgeries now hold regular cessation services and will be able to support your efforts to give up
- There are many private companies who provide cessation support. Easyway Scotland has previously been used by Scottish Government employees: www.easywayscotland.co.uk

Social Networking Sites

Employees who have personal profiles on professional or social networking websites (such as Twitter, Facebook or LinkedIn) must personally risk-assess their position before creating any personal profiles and should not 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 Crown Office and Procurator Fiscal Service, given that all such information is appearing in the public domain.

Whilst acknowledging that a balance between work life and personal life is required, COPFS has a responsibility to protect its employees from exploitation by criminals. It is known to COPFS that serious and organised criminals trawl these sites in order to identify persons working within law enforcement and criminal justice organisations. Reports of attempts to

contact and/or compromise employees in these organisations is on the increase. COPFS employees are advised not to disclose anywhere in their personal profiles anything which indicates that they are employed in this organisation. (Regular security reviews are conducted on these sites to ensure that sensitive personal work related information is not divulged).

Surveys and Research Projects

Employees must not take part in their official capacities in surveys or research projects, even unattributably, if they deal with attitudes or opinions on political matters or matters of policy. See also [Media Protocols](#).

Telephone use

Occasional use of official telephones (landlines & mobile phones) for private calls is a concession agreed with the Inland Revenue and does not give rise to a tax liability. However you must restrict your use of official telephones and be as brief as possible. For landline telephones the Service will not normally charge for any private local calls. However you will normally pay for any long distance or international calls. As calls from mobile phones can be expensive, private use of official mobile phones must be restricted.

Employees should not call premium rate numbers save for exceptional circumstances. Information such as the accurate time or directory enquiries should be accessed online for free.

The Service monitors telephone usage and bills will be raised as necessary. Any misuse or abuse of this concession will be treated as a disciplinary matter.

Mobile phones mean that people can contact others and be contacted far more easily than before. However you are reminded that personal use of your private mobile phone during working hours should be restricted to urgent matters only and calls (made or received) should be as brief as possible.

Any misuse or abuse of this concession will be treated as a disciplinary matter.

Trade Union Activities

COPFS recognises two [trade unions](#) - the FDA and the Public and Commercial Services Union.

Employees do not need permission to take part in activities organised by, or on behalf of, their trade union; but they continue to be governed by the duties and obligations in relation to the use of [official information](#).

In addition a COPFS employee who, as an elected national, departmental or branch representative or officer of a recognised trade union, is publicising union views on an official matter which, because it directly affects the conditions of service of members of the union as employees, is of legitimate concern to them, needs no specific permission. This exemption will not, however, apply to the case (probably rare) where the official duties of the trade union representative or individual as a civil servant are directly concerned with the matter in question.

Values

All employees are expected to act in way that is consistent with our core [values: being professional and showing respect](#).