

OUTSIDE OCCUPATIONS OR ACTIVITIES

We recognise the potential benefits to be gained from colleagues participating in outside activities including but not exclusive to additional employment (including self-employment); career development initiatives involving transferable skills; or voluntary, community and charity work. You are generally permitted to engage in activities out with the duties of your role within the Scottish Government, however you need to be aware of the conduct rules that may apply and circumstances when permission must be sought and declared.

For colleagues who are leaving the Civil Service the Business Appointment Rules will apply. These are in place as 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. However there should be no cause for any suspicion of impropriety and the business. These Rules provide for the scrutiny of appointments and permission may be necessary to take up appointment for up to two years from their last day of employment (depending on their role and nature of the outside activity).

Who does the policy apply to?

The rules apply to all colleagues working in the Scottish Government

The rules may also apply to your spouse, co-habitee or close relative; much will depend on whether the activity is relevant to your official duties.

This equally applies to those who are not civil servants but are undertaking work for the Scottish Government.

What are the key requirements?

- Full-time colleagues must not accept any posts in any trading, commercial, industrial or financial firms or companies or other organisations which require attendance at any time during normal official hours¹
- You must not take part in any activity which would in any way impair your usefulness as a public servant, nor engage in any occupations or undertakings which might in any way conflict with the interests of the Scottish Government or be inconsistent with your position as a public servant.
- Colleagues in Bands A-C are required to register their outside occupation or activity where there is the potential for a conflict of interest to arise in the case management section of the eHR self-referral facility.

¹ This rule does not affect the appointment of staff as non-executive directors in outside organisations as part of their official duties.

- Colleagues in the SCS are required to register all relevant outside occupations and activities HR Help should be consulted in every case where you have any doubt about the propriety of an activity or occupation

Related policies:

This policy should be read in conjunction with the Conduct policy and guidance on Confidentiality and Official information and Conflict of Interest.

If you are taking up appointment after leaving the civil service you should follow the detailed guidance in the Leaving the Scottish Government section of the intranet.

PROCEDURES

Guiding principles

Taking up appointments whilst a civil servant

Subject to the general principles governing conduct and the rules above, the Scottish Government will not concern itself with the activities in which you engage outside your official duties unless such activities involve:

- use of official time and/or resources;
- use of your official designation;
- use of official information or of experience acquired in the course of official duties; or
- working for another Government department, or any form of service in any of the armed forces - but see (Armed Forces) .

In all such cases, advice must be sought from HR Help 0131 244 8500.

Process

1. If you are considering an approach from an outside employer offering employment for which approval would be required under these rules - or which seems likely to lead to such an offer - you must report the approach as follows:
 - Permanent Secretary: Report to The First Minister;
 - Other members of the Senior Civil Service (or equivalents): Report to The Permanent Secretary;
 - All other staff: Report to HR using HR Online

If you are involved with procurement or contract work you should report any such approach, particularly where it emanates from an outside employer with whom you or your staff have had official dealings, **whether or not** you are considering taking it up.

You should read and ensure you comply with the guidance on the use of official information and conflict of interest

SUPPORT

Examples

Example 1: an interest in a private company in your policy field

If you are in Rural Directorate you must seek advice from HR Help if you wish to acquire an active or financial interest in any private business or enterprise which is related to agriculture, and in particular if you are to live on or be associated with the management of a farm.

Additionally if you intend to live on a farm managed by your spouse, co-habitee or close relative you must consult HR Help.

Example 2: a position in an organisation with a pre-existing relationship with SG

If you have been offered a position (such as a Board member) with an organisation which has an existing relationship with the Scottish Government, you will need to consider whether other SG employees already hold a similar position with the organisation. Having a number of SG employees associated with an organisation that could benefit from decisions made and actions taken by the SG could be construed as providing an unfair advantage to that organisation. Where you are unsure about the appropriateness of the level of SG staff involvement in a particular organisation, you should seek advice from HR Help. You may also wish to discuss the matter with the Policy lead area within SG, your line management and the outside organisation (but bearing in mind that the organisation may not fully appreciate the principles and rules of conduct associated with your employment in the SG).

Example 3: Civil Servants Who Join The Armed Forces

Scottish Government as an employer supports the reserve forces and the Scottish Government will give you permission to join these forces wherever it reasonably can. Further information on how we support colleagues who wish to become, or are a Reservist in the Volunteer Reserve Forces can be found on the intranet.

Guidance

Contact HR Help if you have any queries.

Forms & Systems

You should record your interests in the case management section of e HR.

REGISTERING YOUR INTERESTS

You must declare and register your interests. This is to ensure that there can be no suggestion of bias or the use of an official position to further personal interests.

Colleagues in Bands A-C should only register information where they or close family members have official dealings with the organisation and there is potential for a conflict of interest to arise. Senior civil servants are required to register all of the following:

- business interests (including directorships), not only personal, but also of close family members
- shareholdings or other securities/financial interests which you or members of your close family hold – where these are trusts, for example PEP, ISA, only the holding organisation needs to be declared. Senior civil servants aren't required to register cash ISAs
- any other financial interest where there is the potential for a conflict of interest to arise as a result of your official position (excluding bank and mortgage providers)
- private interests in organisations where there could be the potential for a conflict of interest to arise, for example membership of clubs, societies and other organisations

From time to time, your senior management, in consultation with HR policy colleagues, may issue additional guidance tailored to your business area.

Disciplinary action and prosecution

Where a conflict does arise and the interest has not been recorded on the eHR system and discussed with your manager, disciplinary action may be taken.

You may be subject to criminal prosecution if you act corruptly. Disciplinary action may also be taken regardless of, and in parallel to, criminal proceedings.

Managing a potential conflict of interest

You should raise any potential conflicts of interest with your manager. Colleagues in Band A-C can raise any queries via HR Online selecting 'other' in the dropdown menu. Senior civil servants should copy in the senior staff team.

There are a range of actions that could be taken, including but not limited to:

- delegating the affected colleague's responsibilities to another
- declaring any relevant interests at all meetings to which the interest relates
- recording potential conflicts in the minutes of meetings
- excluding the affected colleague from meetings (or parts of meetings) which discuss matters related to their interests
- moving to another post in the Scottish Government where the conflict would not arise
- disposing of the interest

You should agree appropriate actions with your manager in writing, inform your director (or your director general for senior civil servants) and record them on the eHR system. You must ensure they are complied with at all times.

How to register

You should register your interests on the [eHR system](#) by following these steps:
Employee Self Service > Case Management – Employee > Register of Interests
Senior civil servants should also discuss and record potential propriety or conflict of interest issues as part of their mid-year and end-year performance appraisals.

Definition of close family members

Close family members means family members who may be expected to influence, or be influenced by, you. Examples may include domestic partner and children, children of domestic partner, dependants or dependants of domestic partner.

Extract from SCS performance management guidance :

Conflict of interest

Senior Civil Servants must discuss and record any conflict of interest issues as part of their mid-year and end-year performance appraisals.

You must tick the box on your performance management form to confirm this discussion has taken place.

I'm a civil servant - can I apply for a public appointment?

Scottish Ministers ask that a wide and diverse range of individuals apply for ministerial appointments to public bodies. We are looking for people from all walks of life, to really reflect the diverse nature of the Scottish population. You are not necessarily excluded from that as a civil servant and it can be another way to contribute to civic society.

So, if you are a current civil servant below Senior Civil Service grade you can apply for a ministerial public appointment. You will need to consider any potential for conflicts of interest, including perceived conflicts of interest. You should also consider the time commitments required.

How to apply

Discuss your interest and application with your manager and the Scottish Government sponsor director detailed in the appointment application.

When speaking to your manager and sponsor director you should consider whether, and in what timeframe, you have:

- been involved in developing policy which affects the public body and/or its board
- had access to unannounced government policy or privileged information affecting the public body and/or its relevant board
- been responsible for regulatory or any other decisions affecting the public body and/or its board
- had any official dealings with the public body and/or its board

You can [ask People Directorate for advice](#) and you should seek permission from HR before making an application if:

- you have had continual or repeated official dealings with the public body and/or its board at any time during your Civil Service career
- you have had access to commercially sensitive information of competitors of the public body and/or its board
- the proposed appointment would involve making representations to, or lobbying the government on behalf of, the public body and/or its board

Allow time before the closing date to consider these points and to talk to people.

These guidelines are designed to uphold the core values of integrity, honesty, objectivity and impartiality set out in the [Civil Service Code](#).

Senior Civil Servants

If you are a current Senior Civil Servant you should discuss your intention to apply for a public appointment with the [Senior Talent and Staffing Team](#) before making any application. You should consider any conflict of interest including the perception of others or the potential risks to Ministers and be prepared to discuss these with a member of the team.

Applying after leaving the Civil Service

If you are considering taking up a public appointment after leaving the Civil Service you may need approval to do so. Read more about [employment after leaving the Civil Service](#).