

SECTION 7: GENERAL CONDUCT AND CONDUCT IN THE CHAMBER OR IN COMMITTEE

7.1: Introduction

7.1.1 Members must comply with the requirements of this Code of Conduct, with the Standing Orders, with any other decision of the Parliament and with any statutory provision. The following provisions cover the general conduct of Members.

7.2: General conduct

Duty as a representative

7.2.1 In representing people's interests, Members have a duty to respect individual privacy, unless there are overwhelming and lawful reasons in the wider public interest for disclosure to be made to a relevant authority, for example where a Member is made aware of criminal activity.

Relationships between MSPs

7.2.2 The Scottish Parliament consists of both constituency and regional list MSPs. All MSPs have equal formal and legal status. Guidance on the relationships between MSPs is included as section 8.

Equal opportunities

7.2.3 The Scottish Parliamentary Corporate Body (SPCB) operates a comprehensive equal opportunities policy. It expects all staff to contribute proactively to the creation of a working environment in which everyone is treated with dignity and respect irrespective of their gender; gender identity; sexual orientation; racial or ethnic origin (which includes colour, race, nationality, national or ethnic origin); religion or belief, or similar philosophical belief (or lack of any of these); disability; age; trade union membership status/activities; marital status, and part-time or fixed-term contract status. Members and their staff must adhere to this policy in their dealings with all in the Parliament and behave appropriately.

Treatment of Parliamentary staff (including staff employed by contractors providing services to the Parliament, e.g. catering and postal services)

7.2.4 Parliamentary staff will treat Members with courtesy and respect. Members must show them the same consideration. Complaints from staff of bullying or harassment, including any allegation of sexual harassment, or any other inappropriate behaviour on the part of Members will be taken seriously and investigated.

Treatment of other MSPs and of other MSPs' staff

7.2.5 Members must treat other MSPs and the staff of other MSPs with courtesy and respect.

Allowances

7.2.6 No improper use should be made of any payment or allowance made to Members for public purposes. Members must abide by the Allowances Code agreed by the Parliament.

Acceptance of hospitality, gifts or other benefits

7.2.7 Over and above compliance with the statutory provisions, Members should treat with caution any offer of hospitality, a gift, a favour or benefit. Members are not prohibited from accepting reasonable hospitality or modest tokens of goodwill, particularly where refusal could cause offence. But a Member should not accept any offer that might reasonably be thought to influence his or her judgement in carrying out Parliamentary duties. The value of any benefit, its connection to a Member's Parliamentary duties, its source, the transparency of its receipt and the frequency of receipt of similar offers may all be factors which could be relevant to this judgement. (Members should also have regard to the standards in relation to acceptance of hospitality and gifts set out in the section of the Code on Lobbying and Access to MSPs at paragraph 5.1.6.)

7.2.8 Members should ensure that staff working for them are aware of, and apply, these standards when acting on a Member's behalf or in any Parliamentary connection.

Smoking

7.2.9 The SPCB is committed to providing a safe and healthy environment for all passholders and visitors. The SPCB operates a smoke-free policy. This has been developed to assist compliance with the Smoking, Health and Social Care (Scotland) Act 2005. Members may not smoke in any of the buildings in the Parliamentary campus. Members may smoke in the designated smoking area in the courtyard outside Queensberry House.

Alcohol

7.2.10 In relation to consumption of alcohol, Members are reminded of the requirement in Standing Orders (see paragraph 7.3.1 below) to conduct their Parliamentary duties in an orderly manner; they should not engage in any activity as a Member that would bring the Parliament into disrepute. Members are required to ensure that they, and guests to whom they provide hospitality in the course of their Parliamentary duties, so conduct themselves.

SPCB policy and procedures

7.2.11 The SPCB has statutory responsibility to provide the property, staff and services required for the Parliament's purposes and is legally responsible for ensuring that, in doing so, it complies with the law. The SPCB accordingly puts in place policies and procedures for such reasons as the good governance of the organisation as a whole, compliance with legal requirements, the efficient and effective operation of the Parliament's premises and facilities and the protection of services and facilities from misuse or the perception of misuse. Members must abide by the policies that are adopted by the SPCB.

7.2.12 Members are likely to become employers and to run offices etc. in their capacity as Members. While Parliamentary staff may be able to assist Members with guidance in regard to these responsibilities, it is the Member's

responsibility to ensure compliance with the law relating to these responsibilities.

7.2.13 In particular, the SPCB's Health and Safety Management System (HSMS) is continuously developed to ensure that it complies with legislative requirements and reflects current good health and safety management practice. Members must:

- be aware of their responsibilities in terms of the Health and Safety at Work etc. Act 1974 and subordinate legislation;
- be aware of the duty to cooperate and coordinate with other employers in pursuance of health and safety, set out in Regulation 11 of the Management of Health and Safety at Work Regulations 1999;
- ensure their staff are aware of their responsibilities.

Official stationery and mail

7.2.14 Members are reminded that official stationery and mail is for use only as part of official Parliamentary business. It must not be used for any other purpose, including party political purposes.

7.3: Conduct in the Chamber or in Committee

7.3.1 Members must also consider their conduct within the Chamber or during Committee meetings or other formal proceedings of the Parliament.

Rule 7.3.1 of the Standing Orders requires that:

“Members shall at all times conduct themselves in a courteous and respectful manner and shall respect the authority of the Presiding Officer.”

Rule 7.3.2 requires that:

“Members shall at all times conduct themselves in an orderly manner and, in particular, shall not conduct themselves in a

manner which would constitute a criminal offence or contempt of court.”

7.3.2 In committees and sub-committees, Standing Orders require that Members respect the authority of the convener.

7.3.3 In addition to conducting themselves in accordance with Rule 7.3 of Standing Orders, Members are required to observe the following rules, based on those announced in Business Bulletin 5/99, governing their conduct during meetings in the Chamber and, as appropriate, in committee:

- (a) general: no behaviour that interferes with the conduct of proceedings.
- (b) entering or leaving: Members are requested to avoid walking across the floor and the Presiding Officer’s line of vision.
- (c) language and gestures: no abusive language or gestures likely to cause offence.
- (d) mobile phones: should be switched off.
- (e) pagers: the “sound” function should be switched off.
- (f) laptop and hand-held computers: should be switched off.
- (g) photography and filming: permission must be sought in advance.
- (h) smoking: is not allowed.
- (i) eating and drinking: no food, hot drinks or alcohol should be brought into the Chamber or committee.
- (j) reading of newspapers, magazines or journals: not allowed except where Members may wish to quote from articles.
- (k) painting/sketching: permission should be sought in advance from the Presiding Officer.
- (l) music or singing: not allowed unless authorised in advance.
- (m) Members should avoid loud or prolonged discussions which may distract other Members.

7.4: Confidentiality requirements

7.4.1 It is the intention of the Parliament that its proceedings and printed material be open to the general public. This should be the basis on which Members work, but there may be times when Members will be required to treat discussions, documents or other information relating to the Parliament in a confidential manner, as described in paragraph 7.4.2 below.

7.4.2 All drafts of Committee reports should be kept confidential, unless the Committee decides otherwise. In addition the following should be treated as confidential:

- Committee reports which, although agreed by the Committee and no longer in draft, have not yet been published;
- briefing provided to Members by Parliamentary staff for particular Members' information only;
- documents produced during a private session of a Committee;
- evidence submitted to a Committee sitting in private from a witness which it has been agreed can be treated as confidential;
- any other documents or information which the Committee has agreed should be treated as confidential; and
- minutes of private discussions.

7.4.3 Given the potential damage that the unauthorised disclosure of confidential Committee material can do to the standing and integrity of a Committee it is essential that all Members respect these rules. This means that, unless the Parliament or the relevant Committee has agreed otherwise, such documents should not be circulated, shown, or transmitted in any other way to members of the public (including those in Cross-Party Groups), media or to any member of any organisation outwith the Parliament, including the Scottish Executive, nor to other MSPs who are not members of the Committee or Committees for whom the material was intended.

7.4.4 It is unacceptable for Members to provide the media with off the record briefings on the general contents or 'line' of draft Committee reports or other

confidential material or information. Disclosures of this kind can also seriously undermine and devalue the work of Committees.

7.4.5 It is also unacceptable, unless the Parliament or the relevant Committee has agreed otherwise, to disclose any information to which a Member has privileged access, for example derived from a confidential document or details of discussions or votes taken in private session, either orally or in writing.

7.4.6 In the case of other documents and information Members are requested to exercise their judgement as to what should or should not be made available to outside bodies or individuals. In cases of doubt Members should seek the advice of the relevant clerk.

7.4.7 Where a Committee Member wishes to express dissent from a Committee report, he or she should only make this public once the Committee report has been published in order to avoid disclosing the conclusions of a draft report.

7.5: Use of Services of Staff of the Parliament

7.5.1 Staff of the Parliament are employed by the SPCB to provide an impartial service to the Parliament and its Members. Members should not ask Parliamentary staff to act in any way which would conflict with or call into question their political impartiality, or which could give rise to criticisms that people paid from public funds are being used for party political purposes.

7.5.2 Members should respect the confidentiality of advice, whether written or oral, received from clerks or other Parliamentary staff and should avoid attributing advice or views to a named member of staff.

7.6: Awareness of MSPs' Staff

7.6.1 Members will be held responsible for the behaviour of their staff within the Parliamentary complex and in their dealings with other Members, other Members' staff, and Parliamentary staff.

7.6.2 Members should be responsible for ensuring that their staff are fully aware of and understand such policies, rules and requirements that apply to the conduct of personnel on the SPCB's premises.

**7.7: Failure to comply with or Contravention of the
Rules on General Conduct**

7.7.1 Failure to comply with or contravention of the Rules on general conduct, or behaviour which falls short of the standards established in this Code could lead to sanctions being imposed on a Member by the Parliament. Enforcement of the Rules in the Code is explained in Volume 2, Section 9 and Volume 3, Section 9.