

# **CODE OF CONDUCT FOR THE SCOTTISH CONSERVATIVE AND UNIONIST PARTY**

Membership of the Scottish Conservative and Unionist Party (“the Party”) is open to all members of the public over the age of 15. Party members come from diverse backgrounds throughout the United Kingdom. This diversity is very welcome.

The Party expects basic standards of behaviour from its members. The Party can fairly expect these standards, equally, from all its members no matter who they are or what position they hold in the Party.

## **How does this Code of Conduct work?**

This Code of Conduct is in two parts.

- Part 1 Section 1 sets out the minimum standards of behaviour the Party expects from all its members. Part 1 Section 2 sets out the minimum standards of behaviour the Party expects from its representatives. After Part 1 are some Guidance Notes to explain Part 1 in more detail.
- Part 2 sets out the complaints procedures.

## **PART 1 – Minimum Standards of Behaviour Part 1. Section 1.**

**This section applies to all Members of the Party**

### **General Terms and Conditions**

Every Party member must comply with their General Terms and Conditions of membership that apply from time to time.

### **The Party Constitution**

Every Party member:

- is bound by the Party Constitution;
- agrees to sustain and promote the objects and values of the Party within the United Kingdom;
- must not have engaged or engage in any conduct which brings or is likely to bring the Party into disrepute
- must obey the Rules of every Association or affiliated organisation that they belong to.

### **Anti-Discrimination**

Every Party member must not discriminate against, bully, harass or victimise any other person because of age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. These are called the “protected characteristics” and are found in the Equality Act 2010.

## **Anti-bullying and harassment**

Every Party member must not bully or harass anyone for any reason.

## **Tolerance and Respect of other Individuals**

Political discourse can be very robust and adversarial. People are entitled to hold and express opinions, views and outlooks that others may strongly disagree with.

However, whatever they might think about those opinions, views and outlooks, Party members are expected to have basic, common respect for, and tolerate those individuals who may offer them and have the right to express them.

## **Safeguarding**

Every Party member must comply with the Party's Safeguarding Policy when it applies to them. The Safeguarding policy can be viewed here:

<https://www.conservatives.com/safeguarding-policy>

## **Behaviour on Social Media**

Every party member must not misuse social media.

A Party member may have misused social media when the use:

- commits a crime
- commits an unlawful act within the definition of the Equality Act 2010
- publishes or republishes data in breach of GDPR
- breaches the Code of Conduct (including bullying etc)
- breaches the Party's Safeguarding Policy
- in any way that, intentionally or not, breaches any part of the Party Constitution, including in particular in any way that brings the Party into disrepute
- breaches the confidentiality of any disciplinary process
- to "like" or "share" or "repost" or otherwise republish or endorse posts made by others that (had they been Party members) would breach any of these criteria

"Use" for these purposes means posting or endorsing information on social media. It is immaterial whether the social media account belongs to the member or is in the name of the member. This includes social media accounts belonging to, for example, Associations, Scottish Conservative Council Groups, Branches, Campaign Groups and Affiliate Groups. "Use" covers situations where Party members allow others access to social media accounts over which they have control.

## **Helping Political Opponents**

Every Party member must not:

- be a member of any other registered political party
- be associated with any other registered political party
- oppose any Party candidate in any election and/or
- act as the agent for anyone who does

If they do, it is an automatic disciplinary offence and if proved is likely to result in their expulsion from the Party.

## **Part 1. Section 2. This section applies to Party Representatives only**

The standards of behaviour set out in Part 1 Section 1 apply to Party Representatives. There are additional standards as well set out below.

Party Representatives mean anyone who represents the Party to others (particularly members of the public) in an elected, appointed or other way. This includes but is not limited to Members of Parliament, Peers, Members of the Scottish Parliament, Councillors, and Constituency Association, area, regional, and Party officers. It also includes candidates for these roles.

Party Representatives must apply to themselves what are traditionally called the Seven Principles of Public Life established by Lord Nolan and the Committee on Standards in Public Life (“the Nolan Principles”).

The Party has adapted the Nolan Principles to apply to all Party Representatives whether or not they hold public office. These adapted Nolan Principles are:

1. **Selflessness** – Party Representatives must not use their office for their own benefit but use it for the benefit of the Party.
2. **Integrity** – Party Representatives must not place themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.
3. **Objectivity** – Party Representatives must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.
4. **Accountability** – Party Representatives are accountable to the Party for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.
5. **Openness** – Party Representatives should act and take decisions in an open and transparent manner within the Party’s procedural rules and regulations that may apply from time to time.
6. **Honesty** – Party Representatives should be truthful.
7. **Leadership** – Party Representatives should exhibit these principles in their own behaviour:
  - actively promote and robustly support the adapted Nolan Principles and be willing to challenge poor behaviour wherever they are aware of it;
  - actively promote diversity and inclusion of others within their spheres of influence as best they reasonably can;
  - lead by example to encourage and foster tolerance and respect of other individuals;
  - treat others in a professional and straightforward manner;
  - not use their position to bully, abuse, victimise, harass or unlawfully discriminate against others or allow others to do so;
  - take reasonable steps to ensure that people who wish to raise concerns about bullying, discrimination, harassment and/or victimisation by others are able to do so.

## **GUIDANCE NOTES**

### **What the Code of Conduct does and does not do**

The Code of Conduct simply regulates the way individual members of the Party are expected to behave as members of the Party towards each other and non-Party members by setting out basic minimum standards that apply to everyone regardless of their background.

The Code of Conduct does not regulate the conduct of politics or political debate. It does not regulate political decision making or the making of public policy. For that reason, it cannot be used directly or indirectly to affect the conduct of politics or political decision making, including the making or influencing of policy. It should not therefore be used for political purposes.

The Code of Conduct must not be used in a way that interferes improperly with a person's private life. For Party Representatives, the Code of Conduct must not be used in a way that interferes with how they exercise their judgment about their work.

### **“Objects and Values” of the Scottish Conservative and Unionist Party**

There is no single, permanent list of these. The test we use to identify an object and value is objective based on relevant evidence. That evidence may be common or historical knowledge, or common sense, Party manifestos past and present, guidance notes from the Party's Management Board, Government policy and speeches from senior Party spokesmen including the Party leader, and so on.

### **Bringing the Party into “Disrepute”**

In this context, disrepute means causing the Party to be held in low or negative esteem as a result of a member's behaviour or actions. What is often disreputable conduct can be worked out from common knowledge or common sense. We use an objective test to identify disreputable conduct on a case by case basis.

### **Discrimination, Harassment, Victimisation and Bullying**

Discrimination includes victimising or harassing any other person because of race (including colour, ethnic or national origin, nationality, citizenship), sex, gender re-assignment, sexual orientation, marital or civil partnership status (in employment contexts), disability, age, religion or belief and pregnancy and maternity status.

The Party has since 2016 fully adopted the International Holocaust Remembrance Alliance's definition of anti-Semitism. This is relevant on the question of discrimination on the grounds of religion, race and belief.

Harassment means any unwanted physical, verbal or non-verbal conduct that has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive situation or environment for them. A single incident can amount to harassment. Harassment may involve conduct of a sexual nature, or it may be related to age, disability, gender reassignment, marital or civil partner status (in employment contexts), pregnancy or maternity, race, colour, nationality, ethnic or national origin, religion or belief, sex or sexual orientation.

Harassment is unacceptable even if it does not fall within any of those categories.

Victimisation provisions protect certain individuals who do (or might do) acts such as bringing discrimination claims, complaining about harassment, or getting involved in some way with another complaint (such as giving evidence). It may therefore occur where a person subjects another person to a detriment because either that person has acted in such a way and/or is believed to have acted in such a way or may act in such a way.

Bullying is offensive, intimidating, malicious or insulting behaviour involving the misuse of power that can make a person feel vulnerable, upset, humiliated, undermined or threatened. Power does not always mean being in a position of authority, but can include both personal strength, influence and the power to coerce through fear or intimidation. Bullying can be physical, verbal or non-verbal. A bully can be a person who deliberately allows or encourages another to bully someone else.

## **PART 2: PROCEDURE FOR ALLEGED BREACHES OF THE CODE OF CONDUCT**

If any individuals wish to make a formal complaint against a member or elected representatives or officers of the Party they should email **complaints@scottishconservatives.com** Alternatively, they can call our confidential hotline on **0131 524 0041**.

There may be instances where an individual feels able to raise the problem informally with the person responsible and explain clearly to them that their behaviour is not welcome or makes them uncomfortable. If informal steps are not appropriate or have been unsuccessful, then the following formal procedure may apply.

When we receive a formal complaint, we will investigate it in a timely and confidential manner. The investigation will be conducted by someone with appropriate experience and no prior involvement in the complaint. The investigation should be thorough, impartial and objective, and carried out with sensitivity and due respect for the rights of all parties concerned. With the exception of Members of the UK Parliament and Party employees, complaints against members and representatives of the Party will be referred to the Management Board of the Party following initial investigation and may be dismissed at this stage if the complaint is considered to be irrelevant as a matter of law, lack proportionality or is vexatious or frivolous. Members, elected representatives and officers of the Party may be suspended by the Management Board pending further proceedings.

If there is an allegation of criminal wrongdoing, the Party will strongly advise the complainer to report this to the relevant authority as soon as practicable. In certain instances, the Party may contact the relevant authority directly. The complaints process will be sisted pending the exhaustion of criminal proceedings.

Complaints against Members of the UK Parliament will be referred to the UK Conservative Party. Complaints against employees of the Party shall be referred to Human Resources.

The following process will be adopted in so far as it is reasonably practicable to do so:

### **Stage 1:**

We will notify the respondent that a complaint has been made about them. The respondent will be given the opportunity to provide any evidence or details that will help to establish their position. The Management Board may at the end of this stage dismiss complaints that are obviously, irrelevant as a matter of law, lacking proportionality or vexatious or frivolous.

### **Stage 2:**

The Disciplinary Committee of the Party will adjudicate upon complaints referred to it by the Management Board under the terms of the Rules of the Disciplinary Committee. A member or chair of the Disciplinary Committee will be bound to recuse themselves if they are disqualified from serving on the committee in terms of Schedule 2.

- The Disciplinary Committee may decide at any time, without further procedure or investigation, that there has been no breach of the Code of Conduct or that the complaint is irrelevant as a matter of law or lacking proportionality or vexatious or frivolous and dismiss the complaint.

- If it is decided that the complaint should be dismissed the complainer will receive written notification of this with an explanation of the decision.
- If it is agreed that the Code of Conduct may have been breached, the respondent will be given formal notice of the process before the Disciplinary Committee. The notice will include a timetable of procedure, a copy of the rules and a copy of any documents that may be relied upon.
- Both the complainer and the respondent will be informed of the identity of the Disciplinary Committee and may make representations in writing as regards any perceived conflicts of interest.
- Hearings will be held in private. The Disciplinary Committee may at any time consider an application on behalf of the respondent for the complaint to be dismissed on the grounds that the complainer's case is irrelevant as a matter of law, lacking proportionality or vexatious or frivolous or for any other reason.
- The Disciplinary Committee will report its findings to the Management Board together with a recommendation for any disciplinary measures to be taken. Such measures can include those measures set out in Schedule 1.
- Any removal of rights of membership will be made by the Management Board after due consideration of the recommendation of the Disciplinary Committee.

In no way should anything in this Code interfere with an elected representative carrying out his or her duties and exercising his or her judgement in relation to his or her work, nor to any individual's right to a private life within the law.

## **SCHEDULE 1**

These are the sanctions that the Management Board may impose if a complaint admitted or upheld by the Disciplinary Committee.

1. Expulsion from Party membership.
2. Interim suspension from Party membership pending determination of a complaint.
3. Suspension from Party membership for a specified period.
4. Suspension from any office held within the Party for a specified period.
5. Suspension from any candidature within the Party for a specified period.
6. An order of non-renewal of Party membership.
7. Severe censure.
8. Censure.
9. An order that the respondent apologise to the complainer in a way acceptable to the Party Chairman. This may also be a condition of keeping or restoring Party membership.
10. An order that the respondent remove any offending material from social media which is within the power and control of the respondent.
11. Conditions on the ongoing membership of the Party such as the need to undertake training. The cost of complying with such conditions shall be borne by the respondent.

## **SCHEDULE 2**

### Disqualification

A person shall be disqualified from chairing or serving as a member of the Disciplinary Committee if that person has a personal, family or professional connection to the complainer or the respondent or that person has any kind of conflict of interest including an interest in the outcome of a complaint.

Approved by the Management Board

10th October 2022