

**From: Jill Minne
Director, People and Organisational Development**

Date: 26 August 2025

- 1. Permanent Secretary**
- 2. Minister**

**REVIEW OF HR POLICY 6.01 STANDARDS OF CONDUCT
SECTION 6 PRIVATE OCCUPATIONS**

Issue: To seek your approval of the recommended policy option and draft revised policy (Annex A) to amend the rules for civil servants undertaking private occupations, (section 6 of the Standards of Conduct policy), to prevent “double payment” from the public purse.

Timing: Routine

FOI Implications: In the event of a request for disclosure of information contained in this submission under the FOI Act, the request would be considered in the context of the relevant provisions of the legislation, including any relevant exemptions that may be applicable.

Presentational Issues: None

Financial Implications: The recommended policy change aims to regulate policy to meet financial requirements around double payment from the public purse.

Equality implications: None

Legislative Implications: None

Recommendation: You are asked to note the contents of this paper and agree option three to allow consultation with CTUS to commence on the proposed amendments to Section 6 (private occupations) of the Standards of Conduct policy (Annex A).

Background

1. Current guidance to civil servants about undertaking private occupations, including those in the public sector, can be found in [HR policy 6.01 Standards of Conduct](#), [DAO \(DFP\) 02/11 Remuneration of Independent Board Members](#) and the [Public Appointments Guide](#) published by TEO in September 2016.
2. Both DAO 2/11 (under review) and the Public Appointments Guide establish the general guiding principle of avoiding “double payment” in circumstances where individuals are being paid from the public purse for work at the same time. The Public Appointments Guide advises that there may be no further entitlement to claim remuneration for public appointment work where duties are undertaken during a period for which an individual is already paid by the public sector. In addition, the terms and conditions of many other public sector appointments, such as fee paid judicial appointments, make it clear that double payment from the public purse is not permitted.
3. Section 6 and Annex 10 of the Standards of Conduct policy outline the specific rules for civil servants who wish to undertake any private work (paid or unpaid) with another public sector body. The policy requires approval for such work to be undertaken and supports the requirement to take unpaid leave where that is a stipulated condition of employment with another public sector body.
4. However, the policy currently permits a proportion of annual/flexi leave to be used to undertake paid work with other public sector bodies. This concession, introduced in 2015, was supported by the Permanent Secretary Group at that time on the basis that this approach provided a pragmatic balance between the requirement for staff not to receive double payment and the difficulties faced in recruiting people for certain public sector work, such as temporary Electoral Office staff.

Policy review

5. Work has been progressing to review the current policy, in part prompted by ongoing concerns about the inconsistent application of the policy and the appropriate use of public funds. The policy position adopted in other Civil Service jurisdictions, where avoiding double payment for other public sector work is standard practice, is outlined in **Annex B**.
6. It is proposed that the Standards of Conduct policy is amended to: (i) remove the provision to use annual/flexi leave for the purposes of other public sector work; and (ii) expressly require the use of unpaid leave in such circumstances.
7. Feedback from departments on the proposed policy changes is broadly supportive but also noted the potential disruption the changes in policy may have on The Electoral Office and its ability to effectively staff elections.
8. Subsequently, as part of the policy review process, my team engaged with the Chief Electoral Officer, Dr David Marshall, and his team to take views and assess possible impacts of the proposed policy change.

The Electoral Office Position

9. The Electoral Office run all elections here and has a temporary workforce of approximately 10,000 people at election time; of which they estimate around 2,000 are civil servants here. It is strongly opposed to the proposed policy change, suggesting that civil servants would withdraw their support for elections if not allowed to use annual/flexi leave, effectively, in its view, risking the operation of democracy here.
10. People & OD asked the Chief Electoral Officer, Dr Marshall about his recruitment and outreach strategy and whether economically inactive groups who might benefit from work at election times could be targeted. Dr Marshall reported ongoing difficulty in attracting and retaining staff for elections despite

continuous open recruitment, the use of social media campaigns and other means of advertising. In addition, he argued that civil servants were well placed to do the work as they are aware of equality/ethics considerations, have good public service skills and like the work.

11. Dr Marshall recommended the Civil Service should adopt a “Democracy Day” approach, adopted by local councils in GB. This provides one day special leave with pay for civil servants to undertake election duties, in addition to which they would receive payment from the Electoral Office. The Electoral Office felt this approach would formally recognise the vital civic contribution of public servants, support democratic participation and help ensure the delivery of well-run polls. Democracy days are not currently operated by any of the other civil service jurisdictions or by councils here, although Dr Marshall indicated his intention to write to all local councils asking them to support this approach.

Current position

12. It is accepted that the removal of the policy provision to use annual leave to undertake paid work for another public sector body could impact significantly the numbers of civil servants who are temporarily employed by The Electoral Office at election time. However, The Electoral Office recommendation to adopt a “Democracy Day” is not supported by benchmarking and is an approach taken solely by councils in Great Britain.

13. There is no management information available to support the Electoral Office estimate of 2000 civil servants here undertaking election work while on annual leave. It is anticipated that most of those undertaking such work are in the AA – EO2 grades. Adopting the suggested democracy day approach for the estimated 2000 civil servants would represent a cost to the Civil Service of around £560,000* in lost productivity for each election, with an additional 2000 days of annual leave accrued (a further £560,000*¹).

• ¹ Estimate based on average cost of £35 per hour

Options

14. To progress the policy review, the following options were considered.

- **Option One – no change to policy, with the existing provisions to use annual leave remaining.** While this would not impact on The Electoral Office, this is out of line with other Civil Service jurisdictions and fails to address the double payment issue, particularly in terms of delivering best use of public funds.
- **Option Two – change policy to remove the provision to use annual leave in all circumstances.** This fully addresses the double payment issue and is consistent with other jurisdictions, but given the feedback of the Chief Electoral Officer is likely to present a risk to the effective running of elections here.
- **Option Three – change policy with the exception of allowing the use of annual/flexi leave to undertake election duties.** This option largely fulfils the requirement to prevent double payment but also accounts for the anticipated operational difficulties faced by the Electoral Office, making an exception in the interests of supporting the democratic system.
- **Option Four – change policy and provide for ad hoc exceptions to policy which require ministerial approval on every occasion –** this provision exists in the Irish Civil Service but would likely require separate ministerial consideration on the policy and permissible exceptions each time there is an election.
- **Option Five – change policy and simultaneously adopt the “democracy day” approach suggested by The Electoral Office -** this option effectively worsens the position under the double payment issue, while also impacting on service-wide productivity and the annual leave accrual position.

Recommendation

15. Option three is considered to be the most effective option by preventing double payment in all circumstances save for civil servants undertaking election duties here. A revised version of Section 6 of the Standards of Conduct policy to reflect the recommended option (option three) is at **Annex A**.

16. You are asked to note the contents of this paper and agree option three to allow consultation with CTUS to commence on the proposed amendments to Section 6 (private occupations) of the Standards of Conduct policy (**Annex A**).

Jill Minne

Ext: 

cc: Aisling Quinn
Joan Fleetham
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6.01 Standards of Conduct

6 Private Occupations

This section details the rules for undertaking private work, including when private work is not permitted, how to seek the approval necessary to undertake other public sector work and how to apply for time off for public sector work.

Types of private work which cannot be undertaken

6.1 Staff may wish to undertake a private occupation whilst retaining their NICS employment. As a guideline the following information outlines the types of private work which cannot be undertaken by civil servants:

- a. work which would occupy your time or attention, or render you unavailable for duty during normal official hours;
- b. work identified in any way with the activities of a political party, group or organisation (see paragraph 19.1 and Annex 8);
- c. work of an educational, literary or scientific nature involving the use of information acquired by you in your official capacity or from official sources, except where it has previously been published, unless you have received the permission of your employing Department to undertake such work;
- d. work of a nature conflicting with your duty to your employing Department, or the NICS, or the Government generally, or as a member of the Civil Service;
- e. work which may ultimately have to be reviewed by you or any member of the Civil Service acting in an official capacity;
- f. work, related to your function, which a Civil Servant might otherwise justifiably undertake, but which could involve unfair competition with persons wholly dependent on such work for a livelihood;
- g. work which would involve the use of the property, tools, equipment or materials of Departments; and
- h. work which is, or might be, inconsistent with your position as a public servant and may expose you or your Department to public criticism.

6.2 If you are unsure whether the above rules apply, you should speak with your line manager in the first instance. If your line manager needs further advice or guidance, they should contact NICSHR Employee Relations.

Seeking approval to undertake other public sector work

6.3 It is important to note, if you wish to undertake any private work (paid or unpaid) with another public sector body (including another Government Department) you must first obtain approval from your Head of Business Area (Grade 5 or above).

6.4 You can obtain this approval by accessing the HRConnect employee self-service function and completing the outside interests field. If you do not have access to HRConnect you should contact either your line manager or HRConnect directly. This [HRConnect Quick Reference Guide](#) provides more information on how to apply.

6.5 It is important when engaging with your line manager that you advise if the work is paid or unpaid. Paid work includes a fee, payment or other compensation other than travel and subsistence expenses.

Applying for time off to undertake paid work in another public sector post

6.6 Staff must apply for **unpaid leave** to allow them to undertake paid work in another public sector post. There is no entitlement to the timing of unpaid leave for the purpose of undertaking other work and any such request will be subject to business needs.

6.7 An exception to this rule applies to staff working for The Electoral Office and performing polling station or count duties at local or general elections. On these occasions, annual leave may be requested. A limited number of circumstances allow staff to apply for and have special paid leave approved - see [HR policy 3.08 Special Leave](#) Section 16 Reserve and Cadet Forces Training for further information.

Pensions Abatement

6.8 Staff in receipt of a pension, who undertake work for another Government Department or an organisation covered by the Northern Ireland Civil Service Pension Scheme and who are considered to be an employee of the NICS or that organisation, should consider if [pensions abatement](#) may be appropriate depending on the terms and conditions of their employment. Staff are responsible for clarifying the impact on their pension of any change that would result in a permanent or temporary increase or decrease to their pensionable pay, excluding any normal pay rise payable to all staff. Staff should check the [Civil Service Pensions](#) website for information on “abatement” and how any increase in pensionable pay can affect pension benefits.

Body	Double Payment Issue	Arrangements for staff working at elections/at polling stations
Cabinet Office	Civil servants are not allowed to be paid twice from the public purse.	<p>For any period of approved unpaid absence (such as special leave) due to public service.</p> <p>Remuneration or compensation must only be accepted for travel and subsistence and up to the extent of their loss of earnings (e.g. their day rate in their Civil Service job).</p> <p>The only exception is the Armed Forces.</p>
Welsh Government	Civil servants are not allowed to be paid twice from the public purse.	<p>As Civil servants are not allowed to be paid twice from the public purse, during the working week WG staff have a choice of:</p> <ul style="list-style-type: none"> • applying for paid special leave on the day/s in question and not claiming any payment from the local authority or; • applying for unpaid special leave and claiming a payment. <p>Returning Officers may pay civil servants for the hours over and above their standard hours of 7.24 or 3.42 on a pro-rata basis. Staff must liaise directly with the local authority they are working for to arrange this payment.</p> <p>For work on Saturday and Sunday, staff would be paid by the local authority for the role they are undertaking (specific arrangements vary between local authorities).</p> <p>Payment, where appropriate, will be made by PAYE and eligible for income tax and you staff need to ensure they have declared this payment to HMRC using a self-assessment form.</p>
Scottish Government	Civil servants are not allowed to be paid twice from the public purse.	<p>SG have a choice of:</p> <ul style="list-style-type: none"> • using volunteering leave and not receive any remuneration from Returning Officers (full or half days, to cover the time you would otherwise have been at work); or

		<ul style="list-style-type: none"> using unpaid special leave and accept remuneration from Returning Officers for the full period you volunteer <p>You must first seek permission from your line manager.</p>
Irish Civil Service	It is expected that the One Person One Salary principle is strictly adhered to for all Civil/Public servants. While an exemption may be sought such exemptions are rarely granted and only in very exceptional circumstances.	<p>Exceptional circumstances are subject to the following benchmark;</p> <ol style="list-style-type: none"> 1) that the duties involved are neither a part nor an extension of the officer's normal duties, and 2) that a rigid insistence on the principle of one person-one salary would deny scarce skills to the State, and 3) that payment is permitted for one additional appointment only, and 4) that the approval of the Department of Finance for additional payments is required in each case, and 5) that in no case should payment exceed the normal fee for the activity concerned.
DWP	The Civil Service Management Code's (CSMC) principle is that Civil Servants should not be paid twice from the public purse for the same hours.	<p>DWP staff have a choice of:</p> <ol style="list-style-type: none"> 1. applying for paid special leave and only accept payment from Returning Officers for hours worked outside of their normal civil service hours; or 2. applying for unpaid special leave and accept payment from Returning Officers for the full period they work. <p>This approach is consistent with the Civil Service Management Code's (CSMC) principle that Civil Servants should not be paid twice from the public purse for the same hours, as well as Returning Officers' legal obligation to pay their electoral staff.</p>