

## 6.01 Standards of Conduct

This policy is about the general principles and rules that govern your behaviour and conduct as a civil servant.

- The values and standards of behaviour that you are expected to uphold as a civil servant are set out in the Code of Ethics - [Section 3 Code of Ethics](#)
- You have the right to make a disclosure of information in the public interest, also known as “whistleblowing” - [Section 4 Public Interest Disclosure \(“Whistleblowing”\)](#)
- You may be involved in work or activities not connected with your civil service job, subject to certain conditions - [Section 7 Membership of Organisations \(Non-Political\)](#)
- If you wish to take up an outside business appointment, employment or self-employment after leaving the NI Civil Service you may have to apply for permission to do so – [Section 8 Rules on the Acceptance of Outside Business Appointments, Employment or Self-Employment by Civil Servants after leaving the NI Civil Service](#)
- There are rules governing the acceptance of any gift or hospitality offered by a third party - [Section 10 Acceptance of Gifts , Hospitality and Rewards](#)
- You may take part in political activity subject to certain conditions - [Section 19 Political Activities](#)
- You are subject to the Official Secrets legislation regarding the disclosure of information - [Annex 7 Official Secrets Act 1989](#)
- You may be able to use annual leave or flexi leave to undertake private paid work in another public sector post subject to approval and some restrictions – [Annex 10 Private Occupations](#)

**The following terms within this policy are defined in the glossary:**

Civil Service Commissioners for Northern Ireland, Investigating Officer, Central Whitley Council, politically free group, politically restricted group, Intermediate Group

**You may also be interested in the following policies:**

6.03 Discipline, 3.01 Sickness Absence, 6.06 Inefficiency Sickness Absence, 6.05 Equality, Diversity and Inclusion, 6.09 Dignity at work, 6.11 Use of Electronic Communications 10.01 Performance Management

This policy is version 19.0 and is applicable from December 2020.

Please make sure that your printed version is current with the one on this portal. This homepage is only a guide to the policy, not the policy itself. In the event of any discrepancy between the content of this homepage and the associated policy, the wording of the policy shall apply.

## 6.01 Standards of Conduct

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## **6.01 Standards of Conduct**

### **1 Introduction**

This section provides guidance on the conduct of Civil Servants. The general principles and rules of conduct covering all staff in the Northern Ireland Civil Service (NICS), from appointment onwards, are set out below.

### **2 Principles**

2.1 The NICS carries out many and varied functions, each of which may require special standards of its own. The precise application of general principles of conduct will vary with the circumstances of different Departments and may call for special rules for particular staff. Such rules are drawn up normally after consultation with the Trade Union Side of the Central Whitley Council and representatives of the industrial Trades Unions. The following general principles apply to all members of the NICS:

- a. You need to be, and be seen to be, honest and impartial in the exercise of your duties. You must not allow your judgement or integrity to be compromised or appear to be compromised;
- b. you must not misuse information which you acquire in the course of your official duties, or disclose information which is held in confidence within Government or received in confidence from others;
- c. though management is not in general concerned with your private activities, these must not be such as might bring discredit on the Service; for example heavy gambling and speculation are to be avoided, particularly in departments which have access to information which could be transmitted for gain;
- d. you must not make any public statements, which may or may not involve the disclosure of official information, or draw upon experience gained in your official capacity, without the prior approval of NICS HR Employee Relations;
- e. you must not seek to frustrate the policies, decisions or actions of Government by declining to take action which flows from ministerial decisions, or by unauthorised, improper or premature disclosure outside the Government of any information to which you have had access as a Civil Servant;
- f. you must not take part in any political or public activity, which compromises, or might be seen to compromise, your impartial service to the Government of the day or any future Government;
- g. you must not misuse your official position, or information acquired in the course of your official duties, to further your private interests or those of others. Conflicts of interest may arise from financial interests and more broadly from official dealings with, or decisions in respect of, individuals who share private interests (for example,

freemasonry, membership of societies, clubs or other organisations and family). Where a conflict of interest arises, you must declare the interest to NICS HR Employee Relations so that a decision can be made on the best way to proceed;

- h. you must not accept gifts, hospitality or benefits of any kind from a third party which might be seen to compromise your personal judgement or integrity; and
- i. you must contact NICS HR Employee Relations if you have any doubts about applying the provisions of the section.

### **3 Code of Ethics**

3.1 A fuller description of the constitutional position of Civil Servants and the values you are expected to uphold is given in the NICS Code of Ethics (Annex 1). The Code of Ethics also describes:

- a. the duty laid on you as a Civil Servant to report where you are being required to act in a way which is illegal, improper, or in some other unethical manner;
- b. the duty to report to the appropriate authorities evidence of criminal or unlawful activities by others;
- c. the right to report if you become aware of other breaches of the code or if you are required to act in a way which raises a fundamental issue of conscience for you; and
- d. where you have reported such matters in accordance with laid down procedures and believe that the response was unreasonable, the ultimate right to report such matters to the Civil Service Commissioners for Northern Ireland.

3.2 The Code of Ethics applies to all Civil Servants. All Departments have procedures in place to enable you to make reports. The central parameters governing these reporting procedures are to be found in Annex 2.

### **4 Public Interest Disclosure (“Whistleblowing”)**

4.1 The provisions of the Public Interest Disclosure (NI) Order 1998 are summarised in the guidance provided in Annex 3. This guidance should be considered in conjunction with the NICS Code of Ethics, which can be found at Annex 1. The Order covers all workers, including temporary and fixed term workers in both the public and private sector. The information in Annex 3 guides NICS staff on how to disclose information on wrongdoing when this is in the public interest, and outlines the support mechanisms for staff who decide to raise concerns.

## **5 Propriety in Awarding Entitlements**

5.1 If you know that applicants have a legal entitlement, such as state benefits or grants, and use grounds that you know to be improper for denying it to them you are, in effect, cheating them out of it. Denying persons their legal rights is no less wrong when it is done in the name of a Government Department than when it is done by a private citizen. It makes no difference that no private gain may be involved, or that the motive for the action is to save public money. If the action amounts to a criminal offence (in other words a deliberate and dishonest agreement to try to deny persons what is due to them), the officials who took the action, or who connived at it, are personally liable to prosecution. On the other hand, if you deal honestly with cases you have nothing to fear from the criminal law.

5.2 If you deal with entitlements and have specific grounds for questioning the propriety of an instruction you should set out your reasons and seek the advice of your line manager. If you are instructed to do something that you consider to be dishonest you should report the matter in accordance with procedures laid down in the NICS Code of Ethics (Annex 2).

## **6 Private Occupations**

6.1 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 NICS HR Employee Relations.

6.2 Further information and the rules in respect of private occupations are detailed at Annex 10.

## **7 Membership of Organisations (Non-Political)**

7.1 If you are an office-holder in, or member of, an organisation which has any dealings with the Government Department(s) in which you are employed you should consider carefully whether there is any possibility that the nature and level of your involvement with the organisation may, or may appear to, conflict with your duty to be impartial in all your dealings as a Civil Servant. Such dealings might include (but are not limited to) funding/grant/sponsorship arrangements or lobbying or responses to consultation.

7.2 If you are in doubt about your position you should seek advice from NICS HR Employee Relations who will consider whether, in the view of your employing Department, there is or is likely to appear to be, a conflict of interest and, if so, instruct on the action which you should take. In giving this direction, the intention of NICS HR Employee Relations will be to interfere as little as possible in your private life while at the same time maintaining the reputation of the Department and the NICS at large.

7.3 If you have not sought advice, and your involvement in an organisation becomes known through other means, the Department has the right to consider

the potential conflict of interest arising from such involvement and to determine any action which should be taken.

## **8 Rules on the Acceptance of Outside Business Appointments, Employment or Self - Employment by Civil Servants after leaving the NI Civil Service**

8.1 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 business appointment, employment or self-employment. It is equally important that when a former Civil Servant takes up an outside appointment, employment or self-employment there should be no cause for any suspicion of impropriety. The rules provide for waiting periods and behavioural conditions to be applied to appointments, employment or self-employment which may give rise to such suspicions, thereby safeguarding the public service and you as an individual officer against criticism.

The rules on the acceptance of outside business appointments, employment or self-employment by Civil Servants are detailed in the following annexes:

Annex 4 - Rules on the Acceptance of Outside Business Appointments, Employment or Self-Employment by Civil Servants after leaving the NI Civil Service.

Annex 5 - Model Application Form

Annex 6 - Guidance for Departments on the Rules Relating to the Acceptance of Outside Business Appointments, Employment or Self-Employment by Civil Servants after leaving the Civil Service.

## **9 Use of Outside Influence**

9.1 If you are dissatisfied on a personal matter you should approach your line manager, or raise the matter in accordance with the established grievance procedure as described by the [Grievance user guide](#) in this handbook, or seek the advice and help of your trade union. If you are still dissatisfied, you may appeal to the Head of Department. You must not attempt to bring political or other outside influence to bear in support of your personal claims as a Civil Servant with regard to transfers, promotion and the like. This rule does not affect any statutory rights, nor does it restrict your right to approach a Member of Parliament. Its object is to preclude you from using outside influence to gain for yourself special concessions that would not be available to others.

## **10 Acceptance of Gifts, Hospitality and Rewards**

10.1 Your conduct must not foster the suspicion of a conflict of interest and the acceptance of gifts, hospitality and so on should, therefore, be governed by the following general guidance. The Northern Ireland Civil Service has undergone considerable organisational change; there has been greater emphasis put on the  
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value of adopting a more business-like approach and private sector practices have been introduced in some areas. At the same time, the private sector has become more interested in working with the public service and the issues for public servants have arguably become more relevant.

10.2 You should not do anything that may give the impression to your colleagues, members of the public, or people with whom you deal in an official capacity, that you have been, or may have been, influenced by a gift or consideration to show bias either for or against any person or organisation while carrying out your official duties. The following criteria should be borne in mind when considering whether to accept (either directly or indirectly) a gift, reward, benefit or other item of hospitality from a member of the public or organisation, where contact has made:

- a. a distinction can be drawn between gifts, which in general should be refused, and conventional hospitality, especially where the usual conventions of returning hospitality in principle apply;
- b. contacts that are promotional, influential or information gathering are less likely to create obligation or embarrassment than those that are regulatory or which involve, or could lead to, a contractual position between the Department and the contact;
- c. regard should be paid to the reason for the contact on both sides and your position;
- d. the general principle is that all gifts should be refused. However, modest seasonal or promotional gifts (such as calendars, diaries, pens or similar items) with a value of less than £50 may be accepted by you without the need for these to be reported or approved in advance by line management, provided they bear Company names and/or logos. This type of gift is easily distinguishable from more expensive or substantial items, which cannot on any account be accepted;
- e. gifts of alcohol, cigarettes or cigars and the like should not be accepted under any circumstances and should, where necessary, be returned to the donor with a suitably worded letter;
- f. trade discount cards, through which you might personally benefit from the purchase of goods and services at reduced prices, are classified as gifts and should be refused or returned;
- g. for hospitality, there is a division between, for example, working lunches and more expensive social functions, including travel or accommodation. More formal functions by prior invitation should be approved at Grade 5 level or above; and
- h. acceptance of frequent, regular, annual or seasonal invitations particularly from the same source, may breach the required standards of conduct. Isolated acceptance of, for example, meals, tickets to sporting, cultural or social events may be acceptable if

attendance is justifiable in the interests of the Government or Departments.

10.3 It should be noted that visits to manufacturers or suppliers at their expense, even though those take place during annual leave or other free time, may constitute gifts or benefits.

10.4 It is recognized that there are exceptional cases where refusal of a gift would clearly offend the donor, cause embarrassment or appear discourteous, such as that received from an overseas government or governmental organisation (see paragraph 10.5 below). In these cases, full details of the circumstances should be sent, through your Grade 7/Head of Branch, who will recommend to NICSHR Employee Relations whether or not the gift should be accepted. NICSHR will decide whether the gift should be:

- a. accepted; or
- b. accepted on the condition that a reciprocal gesture is made at your own expense; or
- c. returned to the donor with a suitably worded letter explaining why the gift cannot be accepted; or
- d. used or disposed of, if possible, in or by the department.

10.5 On some occasions, where a gift is received from an overseas government or governmental organisation, it may be necessary that a gift should be offered in return. In such cases, guidance should be obtained from the Department of Finance (Public Spending Directorate) and also on those occasions when the proposed gifts are of very substantial value. Only exceptionally should such an exchange of gifts be initiated by you.

10.6 If a gift is accepted, the following rules apply:

- a. its receipt should, in all cases, be reported to NICSHR Employee Relations;
- b. when the acceptance of a gift is reported, it is open to Departments to take one of the following alternative courses:
  - i. the gift may be disposed of by sale; or
  - ii. it may be displayed or used in the Department where this is appropriate; or
  - iii. if the disposal of the gift would cause offence or if it might be appropriate for the recipient to use or display the gift on some future occasion as a mark of politeness, the gift should be retained in the Department for this purpose for up to five years; or

- iv. if the gift is of small value (which should not in any case exceed £50), the recipient may in appropriate cases be allowed to retain it;
- c. liability to duty and Value Added Tax of all imported gifts should be resolved with HM Revenue and Customs (International Trade Section).

10.7 In deciding whether hospitality can be accepted, you should bear in mind the following criteria:

- a. will acceptance help business effectiveness;
- b. does acceptance place an obligation on you as the recipient;
- c. hospitality that is frequent, lavish or prolonged should not generally be accepted;
- d. the hospitality should be unconnected with any decision affecting the organisation or individual offering it;
- e. hospitality that is accepted should always be justifiable; and
- f. the benefits of acceptance should outweigh the risk of possible misrepresentation of the hospitality.

10.8 In all instances where other than conventional hospitality is offered, Grade 7/head of Branch approval should be sought. If doubts persist the matter should be referred to NICS HR Employee Relations.

10.9 Some invitations, particularly to senior staff, are extended in a representational capacity; on occasion they may be issued to officials because of the inability of the Minister to attend. Whilst such invitations may generally be accepted within reasonable limits, care should be taken to ensure that there is not Northern Ireland Civil Service over-representation at the function concerned. On occasions it may be appropriate for a partner to accompany you as a senior officer where the event so justifies.

10.10 It can be argued that if you are to achieve the best value for money in dealings with suppliers or consultants then you need to build up contacts and that it is quite legitimate for you to have a close working relationship with organisations or individuals, which may involve a degree of hospitality. There may also be instances where you receive invitations to events run by voluntary organisations such as annual conferences or dinners. Attendance at such events is considered an integral element in building and maintaining relationships with the voluntary sector and any hospitality received is likely to be modest and therefore acceptable. Additionally, isolated acceptance of tickets to public sporting, cultural or social events may be accepted if attendance is justified as being in the interests of the Service.

10.11 The preceding paragraphs relate to how you as a Civil Servant should behave in regard to the acceptance of gifts, hospitality and rewards. Irrespective  
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of that, there are offences under the Bribery Act 2012 (“the Act”) for you as an employee to be aware of. In the following, “relevant function or activity” as defined by the Act means any function of a public nature or any activity performed in the course of your employment. In summary, it is an offence to:

- a. request, agree to receive or accept a financial or other advantage, the purpose being that a relevant function or activity should be performed improperly;
- b. (i) request, agree to receive or accept a financial or other advantage; and  
(ii) the request, agreement or acceptance itself constitutes the improper performance by you of a relevant function or activity;
- c. receive or accept a financial or other advantage as a reward for the improper activity;
- d. in anticipation of or as a result of you requesting, agreeing to receive or accepting a financial or other advantage, a relevant function or activity is performed improperly by you, or someone else at your request or with your agreement.

10.12 Furthermore, under the Prevention of Corruption Act 1916, any money, gift or consideration received by you 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 you can prove to the contrary.

10.13 You should seek direction from your Grade 7/Head of Branch in any situation that does not appear to be covered by the guidance. Their advice should also be sought when in doubt about the interpretation of guidance.

## **11 Awards**

11.1 If you are approached by an outside organisation about the offer of an award or a prize in any way connected with official duty you should consult NICS HR Employee Relations. 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:

- a. offered in recognition of personal achievement; or
- b. not in the nature of, or perceivable as a gift, an inducement or payment for a publication or invention to which other rules apply.

## **12 Inventions and Intellectual Property**

12.1 The ownership of inventions made by you as a Civil Servant before 1 June 1978 is vested in the Crown. Those made by on or after that date depends,  
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in accordance with section 39 of the Patents Act 1977, on whether or not the inventions were made in the course of your duties. The term 'invention' is not defined in the Act, but it should be taken as covering or including inventions that are not patented or patentable, as well as what are often referred to as 'technical suggestions', for example computer software. If you make an invention in the course of your duties you should report it, together with full details, to your employing Department.

12.2 If you make an invention otherwise than within the course of your duties you may, despite your ownership of it, have obligations of confidentiality towards the Crown and also under the Official Secrets Act. You should, therefore, be advised to consult your employing Department before undertaking any private activities likely to lead to an invention, particularly if you intend to make use of any official information or experience gained wholly in the course of your duties.

12.3 It is open to you if you own an invention to offer the rights of it, either whole or in part, to the Crown, through your employing Department. Acceptance is a matter entirely within the discretion of the Department. If the Crown decides to acquire the rights to an invention, it will do so on terms negotiated with you as the owner of that invention. Equally, it is open to you to retain the rights or to dispose of them elsewhere and, where the Crown has acquired less than full rights, you may proceed as you wish, at your own expense, subject to paragraph 12.2 above and to any rights acquired by the Crown.

12.4 If you own an invention you are entitled, under the terms of the Patents Act 1977, to claim compensation in respect of an invention or inventions made by you on or after 1 June 1978 if:

- a. the invention belongs to the Crown (because it was made in the course of your duties) and a patent which is of outstanding benefit to the Crown has been granted for it;
- b. the invention belonged or belongs to you (because it was made otherwise than in the course of your duties; and
  - i. a patent has been granted for it;
  - ii. the Crown has acquired ownership of the patent or an exclusive licence under it;
  - iii. the benefit accruing to you from the contract conferring rights on the Crown has been inadequate in relation to the benefit accruing to the Crown from the patent.

12.5 Notwithstanding the compensation provisions set out in paragraph 12.4, if you own an invention you may apply for an ex-gratia award (irrespective of date ownership was established) if the Crown has used your invention (whether patented or not), or if the invention has been exploited commercially by, or on behalf of, the Crown.

12.6 The general policy on awards to Civil Servant inventors is co-ordinated by the Department of Finance. The Principal Director of Patents of the Ministry of  
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Defence is willing to advise about the ownership of, patenting of, as well as other professional or technical aspects of inventions made by Civil Servants, including the acquisition of rights. Advice about the amounts of awards or about compensation payable in particular cases can be obtained from the Ministry of Defences' Committee on Awards to inventors.

### **13 Financial Transactions Between Government Departments and Civil Servants**

13.1 You are free to buy, without the express approval of the Department of Finance, surplus Government articles offered for sale to the public unless:

- a. you have, because of your official position, been able to obtain special knowledge about the condition of the goods to be sold; or
- b. you have been officially associated with the disposal arrangements; or
- c. you intend to buy the goods for re-sale and not for your own use.

13.2 When goods are disposed of privately to Civil Servants by Departments/ Agencies, there is a risk of criticism that the purchasers are receiving a benefit denied to the general public; a low price, for example, or access to goods in short supply. If Departments wish to make a private sale of Government property to Civil Servants, they should ensure that the transaction could give no grounds for suspicion of this kind. In particular, the price should be no less than would have been charged to a member of the public. If you are in any doubt whether it would be proper for you to buy any article, you should consult NICS HR Employee Relations. You are, of course, free to buy articles that are on general public sale, for example, Stationery Office publications.

13.3 Where you are using any service provided by a Government Department, college or institution or other such establishment, or are applying for a Government grant or subsidy, you should guard against giving rise to reasonable suspicion that you are enjoying an advantage over the general public.

### **14 Handling of Contracts**

14.1 No Government contract may be let to you as a Civil Servant in a contracting Department, or to any partnership of which you are a member (apart from a corporation in which you are a shareholder), or to any company of which you are a director (except as a nominee of the Government), unless you have fully disclosed your interest in the contract and the Head of Department has given permission for the letting of the contract to proceed.

14.2 You may not accept a directorship (except as a nominee of the Government or with the express permission of the Head of Department) in any company holding a contract with that Department.

14.3 If you become officially involved in any matter concerning a business organisation or transaction in which you have an interest you must at once fully

disclose your interest to the Head of Department, who shall, if possible, arrange for some other officer to deal with the matter. Similar considerations of potential conflict of interest will be relevant when you propose to sell goods to a Government Department.

## **15 The Use of Official Information and Related Activities**

15.1 You must exercise care in handling the information that has come into your possession in the course of your official duties. You owe duties of confidentiality and loyalty; those duties are, for all practical purposes, owed to the Government of the day.

15.2 If you are in doubt, either during your employment or once it has ended about the application of the duties and obligations set out below to particular activities or situations relating to the use of information obtained in the course of official duties, you should always consult a senior officer.

15.3 You are bound during your employment and once it has ended by the provisions of the criminal law, which protects certain categories of information. You should be aware of the Official Secrets Act 1989 (the main provisions of which are summarised at Annex 7) and the GDPR/Data Protection Act 2018. There are also many other Acts of Parliament containing provisions which create criminal sanctions for the unlawful disclosure of certain kinds of information. Many of those provisions relate to information received or gathered under a statutory framework for official purposes. NICS HR Employee Relations will be able to advise on the Acts that are relevant to the work of their Department.

15.4 All Civil Servants owe a duty of confidentiality to their employer, the Northern Ireland Civil Service. Whether or not the criminal law applies, you must protect official information that is held in confidence, because it may have been communicated in confidence within Government (for example by Ministers or Civil Servants), or have been received in confidence from others (for example, a member of the public or a business organisation), and no decision has been taken to lift that restriction. This duty of confidentiality continues after you have left employment with the Northern Ireland Civil Service.

15.5 You are expected to make available official information which does not fall into one of the categories described in paragraphs 15.3 and 15.4, in accordance with Government policy and departmental instructions, provided you observe the principles set out in paragraph 15.6 below.

15.6 You do not need to obtain permission to take part in activities organised by, or on behalf of, your trade union, but you continue to be governed by the duties and obligations in relation to the use of official information described in paragraphs 15.3, 15.4 and 15.7. In addition, if you, as an elected national, departmental or branch representative or officer of a recognised trade union, are 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, you need no specific permission. This exemption will not, however, apply to the case (probably rare) where, although a trade union representative, your official duties as a Civil Servant are directly concerned with the matter in question. If,

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however, commenting on Government policy is involved, it must be made clear that the views are being expressed as a representative of the trade union and not as a Civil Servant and such views should be put over in a reasonable way, bearing in mind your position as a Civil Servant.

15.7 You must, whether acting in an official or private capacity, observe the following principles in relation to the use of official information or experience:

- a. it is your responsibility, before disclosing official information, to satisfy yourself that the information does not fall within the categories described in paragraphs 15.3 and 15.4 and, where appropriate, to check with a senior officer;
- b. subject to paragraph 15.6 above, you must comply with any departmental instructions about the need to seek authority before taking part in activities that may involve the disclosure of official information or draw upon official experience, or to clear in advance, texts for publication which draw on official information or experience;
- c. you must not seek to frustrate the policies or decisions of Ministers by the use or disclosure, outside the Government, of any information to which you have had access as a Civil Servant;
- d. you must not make public statements or remarks in terms which your employing Department could find objectionable, about:
  - i. individuals, whether officials, Ministers or private persons; or
  - ii. organisations, whether public or private; and
- e. you must not take part in activities, including the discussion of matters of current or political controversy (see Paragraph 16), which:
  - i. conflict with the interests of the Departments;
  - ii. bring the name of the Departments, or the Northern Ireland Civil Service generally, into disrepute; or
  - iii. bring into question the impartiality of the Northern Ireland Civil Service.

15.8 Any breach of those duties, involving:

- a. the disclosure or publication of information falling in either of the categories described in paragraphs 15.3 and 15.4, except in confidence to those entitled to receive it; or
- b. a failure to observe the principles described in paragraph 15.7;

is a disciplinary offence, which may result in a range of penalties up to and including, dismissal from the Service.



## **16 Crown Copyright**

16.1 Under the Copyright, Designs and Patents Act 1988, the copyright of any work made by Civil Servants in the course of their employment is Crown copyright. You must obtain prior permission from your Head of Department before entering into any arrangements regarding the publication of any articles or materials which you may have produced as part of your official duties. The Head of Department, except in the cases specified in paragraph 16.2, must in turn refer the matter to the Copyright Unit of the Stationery Office, Cabinet Office (OPS) in order to license the reproduction of such material.

16.2 In the case of papers submitted for publication in learned journals or in the proceedings of conferences or seminars, or where Departments have been granted specific delegated authority by the Stationery Office, Departments may licence publication of those items without referring the matter to the Copyright Unit of the Stationery Office provided that:

- a. they ensure that the source is adequately acknowledged; and
- b. Crown copyright of, or in, the material is not assigned to the publisher.

16.3 Crown copyright is not an issue when work is created by you entirely in your own time and is clearly unconnected with your official duties. If, however, you independently write a book relating to your official duties, the situation is more complex. In this context, the employing Department will need to ascertain:

- a. whether you produced all or part of the work during official time;
- b. whether the work is based on Crown copyright sources; and
- c. if there are any security implications.

16.4 In the event of you writing a book in your own time, unrelated to your official duties, but you wish to incorporate extracts of Crown copyright material within the work, permission to reproduce that material must be obtained from the Copyright Unit of the Stationery Office. It should also be noted that if the work is to be published by a private sector publisher, your employing Department must obtain a formal licence from the Copyright Unit of the Stationery Office.

16.5 If work produced by you is Crown copyright in its entirety (has been prepared in the course of your duties, or has been commissioned by an outside contractor and copyright has been formally assigned to the Crown), you will not be entitled to any additional remuneration from sales of the publication. This applies whether the work is published officially by a Department or by a publisher under licence from the Copyright Unit of the Stationery Office.

## **17 Broadcasts, Lectures, and Similar Events**

17.1 If you who wish to take part in any outside activity, which involves the disclosure of official information, or the use of official experience, you must obtain prior permission from your employing Department.

17.2 The following general principles apply to activities of this kind which, in the main, are the publication of books or articles, contacts with the Press, broadcasts, speeches or lectures and participation in outside conferences:

- a. there must be no disclosure of classified or information marked "Official-sensitive" or above;
- b. there should be no discussion of matters of current or potential political controversy;
- c. the relationships between Civil Servants and Ministers or the confidential advice given to Ministers should not be disclosed;
- d. there should be no comment on individuals or organisations in terms which Departments would regard as objectionable;
- e. the activity should not conflict with the interests of Departments or bring the good name of Departments or the NICS generally, into disrepute; and
- f. any case studies or experiences should be treated confidentially, without revealing personal data.

17.3 Further guidance will be provided by NICS HR Employee Relations.

17.4 Broadcasts by you as official spokesperson of your Department represents official duty and no question of payment to you should arise. If any fee is paid, it should be surrendered to your employing Department. If, however, the actual broadcast or the preparatory work associated with it involves private as well as official time, Departments may, at their discretion, allow you to retain all or part of the fee as appropriate.

## **18 Contacts with the Media**

18.1 You must not make any public statements, which may, or may not, involve the disclosure of official information, or draw upon experience gained in your official capacity, without the prior approval of NICS HR Employee Relations.

18.2 You must clear in advance material for publication, broadcast, or other public discussion, which draws on official information or experience.

18.3 All contacts with the media should normally be handled through departmental Press Offices. If a journalist makes direct contact with you, they should be referred to the departmental Press Office.

18.4 Exceptionally, some civil servants will have a general authorisation to speak to the media, but the understanding about the scope and content of such contacts

must be agreed in advance. In such cases, it is important that the departmental Press Office is advised subsequently of the contact and the issue discussed. This is not only to ensure consistency of briefing, but also to ensure that the contact is recorded.

18.5 You may also come into contact with the media when attending outside conferences and seminars and a similar approach on advising the Press Office or relevant policy officials of the contact also applies.

18.6 If in doubt about the nature of a specific request, you must seek guidance from your line manager or departmental Press Office.

## **19 Political Activities**

19.1 You are required to discharge loyally the duties assigned to you by the government of the day irrespective of its political persuasion. For the Civil Service to serve successive governments of different political complexions, it is essential that Ministers and the public should have confidence that Civil Servants' personal views do not cut across the discharge of their official duties. The purpose 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 that are liable to give public expression to political views, rather than the privately-held beliefs and opinions. The rules are detailed in Annex 8.

## **20 Private Financial Affairs**

20.1 You are expected to conduct your private financial affairs in a judicious manner. If you become bankrupt or insolvent, you must at once inform NICS HR Employee Relations. Failure to do so is a disciplinary offence. You will be required to submit such details as the Department may require. If public funds have been, or are likely to have been involved (but not otherwise), you may be suspended. If there is evidence that public funds have been misappropriated, the Department will consider prosecution. If you are bankrupt or insolvent you may be removed from duties where the handling of public funds is involved.

## **21 Private Trading**

21.1 Trading, including unauthorised trading via the Internet or any other electronic means, whether by Civil Servants, representatives of outside firms, or other Civil Service clubs/societies, shall not take place on official premises, using either personal or departmental communication equipment, without the prior permission of NICS HR Employee Relations. No one, other than those contracted by Departments to provide a service to staff, should be allowed for those purposes on official premises.

## **22 Shareholding by Civil Servants**

22.1 Where your shareholding in a company might raise a question of possible conflict with the interests of your employing Department, or might appear to be inconsistent with your position as a Government servant, you should consult NICS HR Employee Relations about the desirability of acquiring or retaining it. Responsibility for deciding the appropriate action in cases of this kind rests with the Head of the Department, but the Department of Finance will be consulted whenever it is proposed to allow the retention or acquisition of a shareholding which amounts to one-third or more of the issued share capital.

22.2 The size of an individual shareholding, both in relation to the total capital of the company and also in relation to your own means may sometimes be a significant consideration.

## **23 Money-Lending**

23.1 You should not undertake, either as an agent or principal, a money-lending business, or to lend money to colleagues as a matter of business. The borrowing or lending of money between Civil Servants is to be discouraged. Employees attempting to borrow money from members of the general public with whom they are brought into contact on an official basis are liable to disciplinary action, which may include dismissal from the Service.

## **24 Gambling**

24.1 You shall not gamble on official premises, nor speculate in any form likely to bring discredit on yourself or your employing Department.

## **25 Loss of Public Funds**

25.1 If through your negligence the loss of public funds occurs, you may be required to make good the loss, either in whole or in part.

## **26 Reporting of Arrests, Charges or Convictions**

26.1 You must report, as soon as possible, to your employing Department if you are arrested, charged, or if you are convicted by a Court of any criminal offence (except a traffic offence with a private vehicle for which the penalty has not included imprisonment or disqualification from driving).

## **27 Taking Part in Surveys by Outside Organisations**

27.1 Departments may be approached by organisations or individuals who want to ascertain the views of staff as a contribution to particular research projects (including market research surveys).

27.2 You should not take part, even unattributably, in surveys of attitudes or opinions on political matters or policy, which have political connotations.

27.3 Subject to the points below, there is normally no objection to assisting with factual information, which is not classified or held in confidence:

- a. the bona fides of the organisation or individual;
- b. the propriety and usefulness of the research;
- c. the questions likely to be asked;
- d. the individuals likely to be approached (time-consuming for senior management); and
- e. any possible benefits for the Service.

27.4 On those occasions when you have been given permission by your employing Departments to participate in surveys, you should bear in mind your duties of confidentiality and loyalty (paragraph 15.1, 17.1, 18.1 and 19.1) and to avoid offering opinions on Government policy and other political matters.

27.5 This guidance is not intended to inhibit you from taking part in surveys unconnected with official matters about which you are approached in your private capacity outside official hours. Participation is a matter for individuals and is not the concern of your employing Departments.

## **28 Security/Official Identity Passes**

28.1 Security/official identity passes are official documents and must be safeguarded by the holder at all times. Losses of such items must be reported immediately to the issuing office and relevant Premises Officer.

28.2 As the holder you should ensure that the pass is kept in a safe place and not taken outside the United Kingdom - when, for example, travelling on official business or going on holiday.

28.3 You must surrender your pass on leaving the Service.

## **29 Approaches to the Department of Finance**

29.1 You should not write or telephone the Department of Finance directly on matters affecting your salary or conditions of service. In the first instance, you should seek advice from your line management. Following that, NICS HR Employee Relations should be contacted.

## **30 Overseas Travel**

30.1 Overseas travel can present a variety of security risks and Government employees should be aware that, as individuals, they may be of interest to foreign intelligence services particularly if they work in areas involving science or advanced technology.

30.2 Both for the protection of Government information and for personal protection, you should always inform your Departmental Security Officer/NICSHR Employee Relations in advance if you intend visiting any of the countries listed on the Foreign and Commonwealth travel restriction advisory lists (FCO Travel Lists).

30.3 If arrested for any reason, or involved in any unusual incident, or approached to provide information about UK Government, scientific, technology or economic matters when travelling overseas, you must make a full report of such incidents to the departmental Security Officer or NICSHR Employee Relations immediately on return to work.

30.4 You must not, while on business overseas, make any personal gain from public expenditure by way of prize draws, free gifts and the like.

### **31 Joining the Volunteer Reserve Forces/Service in the Regular Reserves**

31.1 If you wish to enlist, on a part-time basis, in any of the volunteer reserve forces shown in paragraph 31.6 below you must, before making an application to enlist, obtain the written consent of NICSHR Employee Relations (or Head of Division in the case of industrial staff).

31.2 If, at the time of joining the NICS, you have a reserve service commitment resulting from previous regular service in the Royal Navy, Royal Marines, Army or Royal Air Force, you should notify NICSHR Employee Relations of it, either on your first day of service, or as soon as possible thereafter. The regular reserves are listed in paragraph 31.7 below.

31.3 Departments must retain the right to consider and approve, or otherwise, applications from you seeking permission to enlist in any of the volunteer reserve forces. Permission to enlist may be refused where the employing Department is satisfied it would not be in the public interest for you to be called away from your work. The grounds for withholding permission may be individual, resulting from consideration of your position in the Department, the work you would be required to do in the event of war and your probable value to the Armed Services in the capacity for which you are seeking to volunteer; or permission may be withheld on general grounds, based on an overriding maximum number of volunteers, in particular establishments or in particular grades. Subject to those considerations, Departments should give permission to enlist whenever it is reasonable to do so.

31.4 Permission to enlist in a volunteer reserve force cannot be revoked during the period for which you have undertaken to serve (usually from one to six years) and it must be assumed that all those serving in volunteer reserve forces or having a regular reserve commitment may be called-up at short notice in an emergency.

31.5 You should also seek permission, as detailed in paragraph 31.1 before extending an engagement or entering into a fresh one. The application should be considered on its merits in relation to the circumstances existing at the time and permission may be refused if the employing Department considers it is in the public interest to do so. However, Departments should be ready to consider

appeals by your superior officer in the volunteer reserve force or regular reserve concerned, if they have particular grounds for wishing to retain your services.

31.6. The volunteer reserve organisations active in Northern Ireland may include the following:

- The Royal Naval Reserve
- The Territorial Army
- The Royal Irish Regiment (Home Service)
- The Royal Auxiliary Air Force
- The Part-time Police Service of Northern Ireland

31.7 The regular reserve organisations to which Civil Servants may have a reserve service commitment can include the following:

- The Royal Fleet Reserve
- The Royal Marines Reserve
- The Regular Army Reserve of Officers
- The Regular Reserve
- The RAF Reserve of Officers
- The RAF Reserve of Airmen/women

31.8 Part-time membership of either the Royal Irish Regiment (Home Service) or the Police Service of Northern Ireland makes Civil Servants liable to be called-up for full-time service in the event of an emergency being declared in Northern Ireland. Permission to join those forces should not normally be withheld, but the written consent of the Head of the Department should be obtained before the submission of applications to join either organisation.

31.9 The Cadet Forces comprise the Sea Cadet Corps, Combined Cadet Force, Army Cadet Force and Air Training Corps; membership does not involve a liability for call-up in an emergency. If, as a Civil Servant, you wish to join the cadet forces you are not required to seek the written consent of your Head of Department prior to doing so. However, you should notify your employing Department of the fact that you have joined as soon as possible after your membership has commenced.

31.10 Details of the special leave that is available to you if you are a member of the volunteer reserve forces/regular reserves may be found in policy 3.08, Special Leave.

31.11 If you who wish to enlist for full-time service in HM Forces, including the volunteer reserve forces, you will normally be required to resign from the Northern Ireland Civil Service. This does not apply in relation to short periods of full-time service for which special leave may be granted.

## **32 Use of Government Property (Including Internet and Email Facilities)**

32.1 It is your duty to prevent waste or the improper use of Government stores, equipment or materials, or the unauthorised or improper employment of labour. Official stationery materials (headed note paper, envelopes, diaries); equipment,  
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(for example, telephones, photocopiers or computers), should not be used for unauthorised purposes, nor must you make or repair, or cause to be made or repaired, in a Government workshop or elsewhere on Government premises, any article, for your private use or that of any other person. Any contravention of this may result in disciplinary action. Specific details on the use of Internet and email facilities can be found in HR Handbook Policy 6.11, Use of Electronic Communications.

32.2 Unauthorised possession of Government/Civil Service property, including scrap materials, is a disciplinary offence and may also result in prosecution in the courts. Similarly, the unauthorised removal of Government/Civil Service property from the workplace may result in disciplinary action.

32.3 On resignation or retirement from the NICS, you must return your security/official identity passes, together with any other official property that was issued to you.

32.4 You are responsible for the safe custody of all Government property in your charge. Should such property be lost or damaged through negligence, carelessness, wanton act or by breach of orders, you will be liable to disciplinary action, which may lead to dismissal. In addition, you may be called upon to make good the loss or damage, or part of it, if necessary by stoppage of pay (see below). If you are dismissed, any money due from the Department may be withheld to meet the claim.

32.5 When you are required to make good, part or all of the loss or damage, the line manager will give you a statement in writing of the full amount of the deduction and particulars of the acts or omissions in respect of which the deduction is being made. They will consult you with regard to the method of payment with a view to minimising hardship as far as possible. If deductions are made from pay, you will be given a statement on each occasion that a deduction has been made and the amount of that deduction.

32.6 If you lose or cause damage to official property, you must report the matter to your line manager without delay.

### **33 Conduct During Sickness Absence**

33.1 To avoid doubts or queries in relation to any medical statements (or self-certificates), you should observe the following guidelines concerning conduct and activities during periods of absence due to sickness or injury.

33.2 In all cases of sickness or injury which necessitate taking time off work, it is expected that you will do your utmost to facilitate a speedy return to fitness and to work. In this regard, you are expected to act sensibly and honestly.

33.3 Departments would not in the normal case expect any members of staff who are absent from work due to sickness or injury to:

- a. participate in any sports, hobbies, social, or any other activities, meetings, and so on which are, in any way, inconsistent with their



illness or injury or which could aggravate the illness or injury or delay recovery. There are some instances whereby these activities may be considered to be therapeutic;

- b. undertake any other employment whether paid or unpaid. If you declare that you are incapacitated from work, depending upon the circumstances of the case it could be deemed serious misconduct to undertake any other duties while absent from work due to illness or injury;
- c. engage in work around the house (for example home improvements, either on your own behalf or in respect of friends and relatives) where it is inconsistent with the illness/injury;
- d. go on holiday without informing your line manager and producing a statement from your doctor confirming that the holiday would be beneficial to your recovery from illness;
- e. engage in any other activity which is inconsistent with the nature of the illness or injury; or
- f. alter or cause to have altered any of the details on the medical statement (for example, dates).

33.4 The foregoing list is purely illustrative. The type of behaviour expected of you will depend on the individual case and the nature of the illness. If you are in any doubt about the appropriateness of your activities while sick, you should consult your line manager or Welfare Officer who may in turn consult NICS HR Employee Relations. If Departments feel that further advice is needed, they may wish to refer such cases to the Occupational Health Service for a medical opinion.

### **34 Conduct: Outside Activities and Social Functions on Official Premises**

34.1 The normal standards of behaviour expected from you in workplaces across the NICS and in dealings with colleagues generally are also to be observed by and between staff attending residential training courses and/or participating in other activities that have been organised away from the workplace, including social functions. In effect, residential training courses and other such outside activities represent an extension of the workplace and are often in the public eye. You are expected to behave in such a manner that does not bring discredit to the NICS. It follows, therefore, that behaviour of a lower or unacceptable standard on residential training courses and so on, will result in disciplinary action in the normal way.

34.2 Social functions on official premises must be approached in the same way. Departments and those organising functions carry legal responsibilities and obligations when these are held on official premises, particularly where alcohol is sold or consumed. It is essential that the organisers of such functions are aware of their responsibilities for the health, safety and conduct of everyone and the requirements of licensing laws. Premises Officers should also be advised if the function is to be held outside normal officer hours.

34.3 You should also be aware of the consequences of anti-social behaviour, such as causing damage to official premises, property or equipment. Any such damage is liable to be paid for and misconduct will be dealt with under disciplinary procedures. You will be aware, from the many media campaigns, of the dangers drinking and driving, or accepting a lift from someone who has been drinking, in all of the situations mentioned in this section.

### **35 Money or Lost Property Found on Official Premises**

**35.1.** This section deals with the handling of lost money or other personal property which is found on official premises.

#### **Superior Right of Possession**

**35.2.** Civil Servants who are not acting in the course of their employment should be treated in the same way as members of the public. Agents of the Department (for example contract workers or casual staff) acting in the course of their agency should be treated in the same way as civil servants.

#### **Ownership**

**35.3.** In law the true owner always retains a superior right to possession. This overrides both that of the finder and that of the Department.

**35.4.** The legal position so far as the finder and the Department are concerned is:

- a. where finds are made by civil servants in the course of their employment, the Department has a legal right to possession. The act of finding does not give the finder any such right;
- b. where finds are made by members of the public who are present on legitimate business, the act of finding gives a legal right to possession which is superior to that of the Department, unless the Department has plainly indicated by a public notice, that it exercises control over the building and the things which may be upon it or in it, or entry to the building is restricted or controlled (for example where a security pass system is in operation).

#### **Responsibility**

**35.5.** The Department has a responsibility to take such measure as in all the circumstances are reasonable to trace the owner of lost property and to return the property.

#### **Custody**

- 35.6.** Civil Servants must always hand over the property to the Department, whether or not they were acting in the course of their employment when they found it.
- 35.7.** If the finder is a member of the public and insists on holding onto the property, the Department should keep a note of the finder's name and address.
- 35.8.** Normally the Department will retain the find for a reasonable period of time so that the owner can establish a claim. A period of 6 months may be regarded as a reasonable period, in line with the current regulations on lost property handed in by members of the public to the Police Service of Northern Ireland.

### **Disposal**

- 35.9.** The Department may dispose of the property at the end of the reasonable period (paragraph 1.34.8).
- 35.10.** For finds made by Civil Servants in the course of their employment Departments may:
- a. Return the find to the finder unless it is of considerable value;  
or
  - b. Pay a reward to the finder, whatever the value of the find. An apportionment, taking account of the circumstances of the case, should be made for large find. If Departments are in any doubt, they should consult the Department of Finance;
  - c. Otherwise dispose of the find without any award to the finder.
- 35.11.** For finds made by members of the public the Department should return the find to the finder.
- 35.12.** When returning a find to a finder, or paying a reward, the Department should:
- a. Explain to the finder that the original owner retains the right to possession;
  - b. In view of this ask the finder to sign an indemnity (see Annex 10 for a form of words); and
  - c. Keep a record of the finder's name and address in case the true owner subsequently appears.
- 35.13.** The Department may dispose of the property if the finder does not wish to keep it or if the finder does not collect it within a reasonable period.

## **Northern Ireland Civil Service Code of Ethics**

### **1. Civil Service values**

- 1.1 The Civil Service supports Ministers in developing and implementing their policies, and in delivering public services. Civil servants are accountable to Ministers.
- 1.2 As a civil servant, you are appointed on merit on the basis of fair and open competition and are expected to carry out your role with dedication and a commitment to the Civil Service and its core values: integrity, honesty, objectivity and impartiality. In this Code:
- a. 'integrity' is putting the obligations of public service above your own personal interests;
  - b. 'honesty' is being truthful and open;
  - c. 'objectivity' is basing your advice and decisions on rigorous analysis of the evidence; and
  - d. 'impartiality' is acting solely according to the merits of the case and serving equally well Ministers of different political persuasions.
- 1.3 These core values support good government and ensure the achievement of the highest possible standards in all that the Civil Service does. This in turn helps the Civil Service to gain and retain the respect of Ministers, the Assembly, the public and its customers.
- 1.4 This Code sets out the standards of behaviour expected of you and all other civil servants. These are based on the core values. Individual departments may also have their own separate mission and values statements based on the core values, including the standards of behaviour expected of you when you deal with your colleagues.

### **2. Standards of behaviour**

#### **Integrity**

- 2.1.1 You must:
- a. fulfil your duties and obligations responsibly;

- b. always act in a way that is professional<sup>1</sup> and that deserves and retains the confidence of all those with whom you have dealings;
- c. make sure public money and other resources are used properly and efficiently;
- d. deal with the public and their affairs fairly, efficiently, promptly, effectively and sensitively, to the best of your ability;
- e. handle information as openly as possible within the legal framework; and,
- f. comply with the law and uphold the administration of justice.

#### 2.1.2 You must not:

- misuse your official position, for example by using information acquired in the course of your official duties to further your private interests or those of others;
- accept gifts or hospitality or receive other benefits from anyone which might reasonably be seen to compromise your personal judgment or integrity; or
- disclose official information without authority. This duty continues to apply after you leave the Civil Service.

## Honesty

#### 2.2.1 You must:

- a. set out the facts and relevant issues truthfully, and correct any errors as soon as possible; and
- b. use resources only for the authorised public purposes for which they are provided.

#### 2.2.2 You must not:

- a. deceive or knowingly mislead Ministers, the Assembly, or others; or
- b. be influenced by improper pressures from others for the prospect of personal gain.

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<sup>1</sup> Including taking account of ethical standards governing particular professions.  
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## **Objectivity**

### 2.3.1 You must:

- a. provide information and advice, including advice to Ministers, on the basis of the evidence, and accurately present the options and facts;
- b. take decisions on the merits of the case; and
- c. take due account of expert and professional advice.

### 2.3.2 You must not:

- a. ignore inconvenient facts or relevant considerations when providing advice or making decisions; or
- b. frustrate the implementation of policies once decisions are taken by declining to take, or abstaining from, action which flows from those decisions.

## **Impartiality**

### 2.4.1 You must:

- a. carry out your responsibilities in a way that is fair, just and equitable and reflects the Civil Service commitment to equality and diversity and the obligations of your department or agency under Section 75 of the Northern Ireland Act 1998.

### 2.4.2 You must not:

- a. act in a way that unjustifiably favours or discriminates against particular individuals or interests.

## **Political Impartiality**

### 2.5.1 You must:

- a. serve Ministers, whatever their political persuasion, to the best of your ability in a way which maintains political impartiality and is in line with the requirements of this Code, no matter what your own political beliefs are;
- b. act in a way which deserves and retains the confidence of Ministers, while at the same time ensuring that you will be able to establish the same

relationship with those whom you may be required to serve in the future;  
and

c. comply with any restrictions that have been laid down on your political activities.

#### 2.5.2 You must not:

a. act in a way that is determined by party political considerations, or use official resources for party political purposes; or

b. allow your personal political views to determine any advice you give or your actions.

### 3. Rights and responsibilities

3.1 Your department or agency has a duty to make you aware of this Code and its values. If you believe that you are being required to act in a way which conflicts with this Code, your department or agency must consider your concern, and make sure that you are not penalised for raising it.

3.2 If you have a concern, you should start by talking to your line manager or someone else in your line management chain. If for any reason you would find this difficult, you should raise the matter with the nominated officer for NICS. This role is carried out by the NICSHR Senior Strategic HR Business Partner (Grade 5) who has been appointed to advise staff on the Code.

3.3 If you become aware of actions by others which you believe conflict with this Code you should report this to your line manager or someone else in your line management chain; alternatively you may wish to seek advice from the nominated officer. You should report evidence of criminal or unlawful activity to the police or other appropriate authorities.

3.4 If you have raised a matter covered in paragraphs 3.1 to 3.3, in accordance with the relevant procedures<sup>2</sup>, and do not receive what you consider to be a reasonable response from your department or agency, you may report the matter to the Civil Service Commissioners for Northern Ireland<sup>3</sup>. The Commissioners will also consider taking a complaint direct. Their address is:

Office of the Civil Service Commissioners for Northern Ireland  
Room 105  
Stormont House  
Stormont Estate  
Belfast BT4 3SH

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<sup>2</sup> The whistleblowing legislation (the Public Interest Disclosure Act 1998) may also apply in some circumstances. [Annex 3 Public Interest Disclosure \(“Whistleblowing”\)](#) of the Standards of Conduct policy gives more information.

<sup>3</sup> The Civil Service Commissioners’ [Guidance for Appellants](#) gives more information: nicscommissioners.org. This Code does not cover HR management issues.

Tel: 028 90523599  
Email: [info@nicscommissioners.org](mailto:info@nicscommissioners.org)

- 3.5 Complaints about internal NICS HR management issues will not be considered by the Commissioners unless there is a demonstrable and significant public interest relating to any individual human resources grievance. Further information can be found in the Commissioners *Core Guidance to the Code of Ethics and guidance for Appellants*.
- 3.6 If the matter cannot be resolved using the procedures set out above, and you feel you cannot carry out the instructions you have been given, you will have to resign from the Civil Service.
- 3.7 This Code is part of the contractual relationship<sup>4</sup> between you and your employer. It sets out the high standards of behaviour expected of you which follow from your position in public and national life as a civil servant. You can take pride in living up to these values.

<sup>4</sup> The NICS HR Handbook outlines contractual responsibilities for Northern Ireland Civil Servants.



## Standards of Conduct

### ANNEX 2

#### Procedures for Reporting Matters under the Code of Ethics

- 1 The procedures will cover cases where a Civil Servant believes they are being required to act in a way which is illegal, improper or unethical or is in breach of constitutional convention or a professional code; which might involve possible maladministration; or which is otherwise inconsistent with the Code of Ethics. A Civil Servant should report to the appropriate authorities, evidence of criminal or unlawful activity by others and may also report in accordance with departmental procedures if they become aware of other breaches of the Code of Ethics or are required to act in a way which, for them, raises a fundamental issue of conscience.
- 2 While many complaints will be raised through the management line, there is also a nominated officer for NICS (the Investigating Officer), who can be approached in confidence in the first instance. This role is carried out by the NICSHR Senior Strategic HR Business Partner (Grade 5). Internal resolution procedures will normally involve the Director of NICSHR Employee Relations.
- 3 Where possible, reports to Investigating Officer(s) will be treated in confidence but, all staff should be warned that, in the interests of justice to any party complained of, it will probably not be possible in the longer term to protect confidentiality, especially if criminal or disciplinary proceedings ensue.
- 4 Staff outside the Department may become involved if they are aware of any facts of relevance to the matter being reported.
- 5 If it becomes apparent that a report has Service-wide implications, consideration may be given to the Strategic Director of NICSHR (Grade 3) centrally investigating the issue. In that case, the reporting officer should be made aware that the investigation is being taken forward centrally.
- 6 Reports should preferably be lodged immediately, but in any event no later than one month after an officer considers that they are, or have been asked, to take action which comes within the areas defined in the Code of Ethics or becomes aware of evidence of criminal or unlawful activity or any breach of the Code. This time limit might be extended in exceptional circumstances at the discretion of the Investigating Officer.
- 7 The facts and grounds of the report must be agreed between the member of staff raising the concern and the Investigating Officer before the matter is formally investigated. In a case of alleged criminal or unlawful activity, the Departmental Solicitors' Office would normally be consulted.
- 8 If an individual has reported concerns but the process of internal review is not complete before action is required they,- except where a clear breach of the

law would occur - should carry out instructions pending a response from the Department. However, the individual may formally record their dissent with the action.

- 9 The Investigating Officer will inform the officer of the outcome of the investigation and any further action, which will be taken.
- 10 Departments should ensure that staff feel confident to voice complaints and are not penalised for raising concerns in good faith in accordance with the procedures.
- 11 Where a Civil Servant has reported a matter in accordance with Departmental/Agency procedures and believes that the reply does not represent a reasonable response to the grounds of their concern, they may report the matter in writing to the Civil Service Commissioners for Northern Ireland.

## **Public Interest Disclosure (“Whistleblowing”)**

### **1. Introduction**

1.1 This policy is intended to encourage staff to raise concerns where they reasonably believe that a particular offence or breach has been committed. While individual Departments will have their own specific arrangements for raising and investigating concerns (whistleblowing or raising concerns policy), NICS HR responsibility is to support staff who raise concerns through these arrangements.

1.2 NICS HR Employee Relations Director (Grade 5) will monitor and report to departmental senior management on progress of cases and treatment of staff who raise concerns under a whistleblowing policy. Departmental Finance will retain responsibility for the governance and financial accountability aspects of whistleblowing disclosures.

1.3 The NICS HR Employee Relations Director will also fulfil the role of the NICS nominated officer for whistleblowing complaints should you for any reason not wish to report your concerns via your existing departmental procedures.

### **2. What is Whistleblowing?**

2.1 Under the HR handbook whistleblowing involves a member of staff raising certain types of wrongdoing or suspected wrongdoing. This is officially known as “making a disclosure in the public interest”. The disclosure must be in the public interest i.e. it must affect others such as the general public. The NICS encourages staff to raise issues of concern internally to provide an opportunity to have such matters investigated and addressed as appropriate. Reasonable belief that wrongdoing has taken place is sufficient justification for raising a concern.

2.2 Personal grievances or dissatisfaction in respect of employment issues are not considered to be whistleblowing, unless a member of staff’s particular case is in the public interest.

2.3 It will always be assumed that concerns have been raised in good faith unless there is evidence to the contrary. If it becomes apparent that an accusation was deliberately false, or vexatious, and not due to a misunderstanding or genuine mistake, it will be treated as a serious matter which may result in disciplinary action.

### **3. The Public Interest Disclosure (NI) Order 1998**

3.1 In addition to the support offered to staff by this policy, the legislation (Public Interest Disclosure (NI) Order 1998) provides protection to whistleblowers. Staff should consider the legislation in place in conjunction with this policy, and the NICS Code of Ethics (Annex 1 above), along with any departmental/agency guidance or procedures for raising concerns about possible or actual wrongdoing.

## Standards of Conduct

### ANNEX 3 (Cont'd)

3.2 A worker is protected by law if they raise concerns in accordance with the information contained within paragraphs 4 and 5 below, and they should not suffer any detriment or harassment as a result.

#### 4. Types of Protected Disclosures

4.1 A worker can raise a concern relating to suspected malpractice, risk, abuse or wrong-doing. A disclosure will qualify for protection if, in the reasonable belief of the individual making it, it tends to show that one or more of the following has occurred, is occurring, or is likely to occur:

- a. a criminal offence e.g. fraud;
- b. a failure to comply with a legal obligation;
- c. a miscarriage of justice;
- d. the endangering of an individual's health and safety;
- e. risk of or actual damage to the environment; and
- f. deliberate concealment of information tending to show any of the above.

#### 5. Additional Protection Given By Legislation

5.1 A qualifying disclosure will also be protected if it is made:

- a. to the employing department through the authorised procedures, or to another person whom the individual believes is solely or mainly responsible for the failure in question;
- b. to a legal adviser in the course of obtaining legal advice;
- c. to a Government Minister by an individual employed in a Government-appointed organisation such as a Non-Departmental Public Body (NDPB); or
- d. to a person or body prescribed in Statutory Rule 2014 No. 48 ("a prescribed person"), for example the Health and Safety Executive for Northern Ireland.

## Standards of Conduct

### ANNEX 3 (Cont'd)

5.2 Qualifying disclosures will also be protected if they are made other than described in paragraph 5.1, provided the individual does not act for personal gain. One or more of the following conditions must apply:

- a. the worker reasonably believed that they would be victimised if they had made the disclosure to the employer or to a prescribed person;
- b. there was no prescribed person and the worker reasonably believed that disclosure to the employer would result in the destruction or concealment of evidence; or
- c. the worker had already disclosed substantially the same information to the employer or an appropriate prescribed person.

5.3 In determining whether it is reasonable for the worker to make the disclosure to another person, regard shall be had in particular to:

- a. the identity of the person to whom the disclosure was made;
- b. the seriousness of the concern;
- c. whether the failure is continuing or likely to occur;
- d. whether the disclosure breached a duty of confidentiality which the employer owed to a third party;
- e. what action was taken or might reasonably be expected to have been taken if the disclosure was previously made to the employer or a prescribed person; and
- f. whether the worker complied with any approved internal procedures if the disclosure was previously made to the employer.

5.4 A disclosure made about an exceptionally serious failure, will be protected if the individual does not act for personal gain – provided that it is reasonable for the individual to make the disclosure, having regard, in particular, to the identity of the person to whom the disclosure is made. In the event of a dispute it will be for an Industrial Tribunal to consider and decide whether any particular failure is exceptionally serious: this will be a question of fact, not an individual's personal belief.

5.5 A disclosure is not protected if it constitutes an offence e.g. under the Official Secrets Act 1989 or is made by a person to whom the information was given in context of obtaining legal advice.

## **6. NICS Whistleblowing Procedure**

6.1 The Northern Ireland Civil Service Code of Ethics advises that individuals should raise concerns about any actions that are inconsistent with its provisions. You should usually raise a concern by talking to your line manager or someone else within the line management chain. If for any reason this would be difficult, you can raise the matter with the NICS nominated officer, ie NICS HR Employee Relations Director (Grade 5), or in accordance with specific departmental/agency guidance on the procedures to follow. You can approach the NICS nominated officer at any stage to seek advice and support.

6.2 If your concern is about a breach of the Civil Service Code of Ethics, you may raise your concern directly with the Civil Service Commissioners for Northern Ireland. (While it is the Commissioners' preference that issues under the Code of Ethics are raised, in the first instance, internally within the relevant Department, there may be circumstances when Commissioners would accept an appeal without this having occurred. Commissioners will examine each case on its merits.)

## **7. Raising your Concerns Anonymously or Confidentially**

7.1 You can raise your concern to your departmental/NICS nominated officer anonymously but they may not be able to progress this any further, if you have not provided enough information.

7.2 If you provide your name but request confidentiality your departmental/NICS nominated officer will make every effort to protect your identity. If you want the matter raised in confidence, you should state so at the outset so that appropriate arrangements can be made. You should understand that there may be times when your departmental/NICS nominated officer is unable to resolve a concern without revealing your identity, for example, where your personal evidence is essential.

## **8. What the NICS Will Do**

8.1 Your department's/NICS nominated officer will listen to your concerns, and decide if any action is needed. You may be asked for further information, and you will be kept informed of the action taken, however you may not be provided with detailed information due to the confidentiality owed to the other individual(s) involved. The action which will be taken, and type of information you will be provided with is outlined in Appendix B.

## **9. Not Satisfied with How your Department has Dealt with your Concerns under the Whistleblowing Procedure**

9.1 If you are not satisfied with how your concerns were dealt with by the NICS nominated officer, you can report the matter in writing to the Strategic Director of NICSHR, 2-4 Bruce Street, Belfast, BT2 7JD.

9.2 If your concern was about a breach of the Civil Service Code of Ethics you may report the matter in writing to the Civil Service Commissioners for Northern Ireland (paragraph 11 of the [Northern Ireland Civil Service Code of Ethics](#)).

## **10. Is There Protection if a Disclosure is Made to an External Prescribed Person Prior to Using Internal Procedures?**

10.1 Only the individual can make the judgement on whether this is justified, and in doing so they will need to consider the information contained in the preceding paragraphs. It is preferable to raise matters internally if appropriate to afford the NICS an opportunity to investigate and address the concerns raised. If there is any doubt you should speak to your nominated officer. Confidentiality will be maintained where possible.

## **11. If You Consider You Have Been Treated Unfairly after Raising a Concern**

11.1 You should raise your concerns with the NICSHR Employee Relations Director who will advise you of the options available to address the matter. You can also consider if you wish to make an external complaint to an Industrial Tribunal.

## **12. Responsibilities and Monitoring of the Process**

12.1 NICSHR Employee Relations Director has HR responsibility for staff within NICS departments who raise concerns/whistleblow. In their role as NICS nominated officer, the NICSHR Employee Relations Director promotes the safeguards in the whistleblowing policy and provides support and advice to staff who are either considering or decide to whistleblow. They should also ensure that whistleblowers do not suffer any detriment or harassment as a result and address any HR concerns throughout the process.

12.2 This responsibility also includes providing regular updates to the Permanent Secretary as necessary. Updates should include information on the number of cases, generally how the processes and policy are working, and any lessons learned where appropriate. Additionally, this HR information on staff whistleblowing should be reported on and discussed at Departmental

## **Standards of Conduct**

### **ANNEX 3 (Cont'd)**

Management Board meetings in the format appropriate to each department/agency.

12.3 The NICS will include questions about the whistleblowing policy in Staff Attitude Surveys to monitor staff awareness, knowledge, understanding and satisfaction with the policy. NICSHR will liaise with NISRA in advance of the launch of staff surveys.

12.4 NICSHR provide information to the NI Civil Service Commissioners office on an annual basis (calendar year) in respect of complaints raised under the Code of Ethics (including Code of Ethics concerns raised under the whistleblowing procedures). A model template is available at A which includes the type of information required. The NICSHR Senior Strategic HR Business Partner should engage with colleagues in the departmental Finance Branch as required to collate this information at the end of each calendar year.



**Appendix A**

**Model Template for Recording Code of Ethics Complaints/Whistleblowing Disclosures**

<b>Information Required</b>	<b>&lt;Insert year&gt;</b>
Number of complaints/concerns received	
Date each complaint/concern received	
Number that were accepted as a complaint/concern under the Code of Ethics.	
*Number that were accepted as a complaint/concern under the Whistleblowing policy relating Code of Ethics	
Brief information regarding each complaint/concern raised	
Timeframe for handling each complaint/concern	
Outcome of each complaint/concern	
What communication was issued to the complainant/whistleblower?	
Date the communication was issued to the complainant/whistleblower	
Was the complainant/whistleblower satisfied with how the complaint was handled (if known)?	
<ul style="list-style-type: none"> <li>Returns to the Civil Service Commissioners for Northern Ireland should not include complaints/concerns raised under the whistleblowing procedures unless a breach of the Code of Ethics is alleged.</li> </ul>	

## Standards of Conduct

### ANNEX 3 (Cont'd)

#### Appendix B

#### NICS Responsibilities Towards Staff who Raise a Whistleblowing Concern

If a line manager, or nominated officer receives a concern (disclosure) from a member of staff, the following action should be taken within a department (refer to departmental whistleblowing/raising concerns policies for specific process steps/list of contacts):

- Record as much information as possible about the concern being raised and agree the record with the member of staff;
- Adopt a positive approach and supportive role towards staff, and advise staff of the additional support mechanisms available such as Welfare Support Service, the Employee Assistance Programme, or Trade Union Side;
- Explain the end-to-end process for handling the concern to the member of staff in accordance with departmental whistleblowing (raising concerns) policies;
- Explain that the individual does not have to prove the concern raised, as the organisation will undertake any investigation required;
- Provide the member of staff with assurance that confidentiality will be protected as far as possible;
- Ensure the member of staff (if not anonymous) is provided with feedback including any proposed remedial action resulting from their concerns;
- Do not make any promises and manage the member of staff's expectations;
- Advise the member of staff that the NICS will not tolerate harassment of or discrimination against any staff as a result of raising a genuine concern, and they should let you know if this happens;

- Pass the information as quickly as possible to the person responsible for dealing with the type of concern in accordance with departmental policies. For example if it is potential fraud, this will determine who is responsible for investigating and managing the concern;
- Update the member of staff on the outcome of the concern whilst maintaining confidentiality requirements contained within other HR policies.

It is important that the process for handling the concern is concluded within a reasonable timeframe.

**Rules on the Acceptance of Outside Business Appointments, Employment or Self-Employment by Civil Servants after leaving the NI Civil Service**

**1. Introduction**

1.1 The rules apply to all Civil Servants who propose to take up an outside business appointment, employment or self-employment up to two years after the last day of paid Service.

**2. Aim**

2.1 The aim of the rules is to maintain public trust in the Civil Service and in the people who work in it, and in particular:

- a. to avoid any reasonable concerns that the advice and decisions of a serving officer might be influenced by the hope or expectation of future employment with a particular firm or organisation; or
- b. to avoid the risk that on leaving the Civil Service, a former civil servant might improperly exploit privileged access to contacts or sensitive information; or
- c. to avoid the risk that a particular firm or organisation might gain an improper advantage by employing someone who, in the course of their official duties, has had access to:
  - I. information relating to unannounced or proposed developments in Departmental policy, knowledge of which may affect the prospective employer or any competitors; or
  - II. commercially valuable or sensitive information about any competitors.

2.2 Applications may be approved unconditionally, or approved subject to a waiting period or other conditions. The imposition of conditions does not imply anything improper in a Civil Servant's relationship with the prospective employer, or by self-employment. Rather, it is an indication that an immediate move from the Civil Service to the employer, or self-employment without conditions, might be open to criticism or misinterpretation.

## Standards of Conduct

### ANNEX 4 (Cont'd)

#### 3. Who Must Apply, When And How

3.1 The requirement to seek approval applies to all serving civil servants and former civil servants, and remains in force up to two years after the last day of paid service, depending on grade and/or if any of the circumstances set out at paragraph 4.2 apply.

- Permanent civil servants;
- Civil servants on fixed term contracts;
- Civil servants on secondment to other organisations;
- Special Advisers. However, an application is not required when a Special Adviser takes up a role with a political party when they leave the Civil Service.

3.2 These rules apply whether or not the business appointment, employment or self-employment is full-time, part-time or fee-paid employment in the United Kingdom, or overseas.

3.3 Before accepting any new business appointment, employment or self-employment all serving or former civil servants must consider whether or not an application under the rules is required, and approach NICS HR Employee Relations as early as possible. NICS HR Employee Relations will have a process in place for handling business appointment/employment applications. This involves completion of an application form which will need to be countersigned by the appropriate line manager, and a decision made by either a Grade 7 or above, depending upon the applicant's grade and whether or not they are still employed in the Department, see paragraphs 7.1 to 7.4. The applicant should send the completed application form to NICS HR Employee Relations or Senior HR Business Partner, who will arrange for the application to be countersigned and processed.

3.4 The application form is available for downloading at Annex 5, and it can be obtained from HRConnect, or NICS HR Employee Relations.

3.5 Notification of decisions on applications will be made through NICS HR Employee Relations.

#### 4. When Approval is Required

##### 4.1 Applications must be made by Serving or Former Civil Servants:

- a. If they are the Head of the Northern Ireland Civil Service, Permanent Secretaries (including equivalent grades), during the two year period after leaving office and without exception;

## Standards of Conduct

### ANNEX 4 (Cont'd)

- b. If they are in the Senior Civil Service, Grade 3 or Grade 5, (and equivalents), or Special Advisers, during the two year period after leaving office, if the individual's circumstances match one or more of those outlined at paragraph 4.2.
- c. If they are Grade 6 and below, the Rules normally apply for one year after the individual's last day of paid service, if the individual's circumstances match one or more of those outlined at paragraph 4.2.

#### **4.2 Circumstances for applications at Senior Civil Service Grade 3 and below**

- a. If they have had any official dealings with their prospective employer during either the last year, or two years of Civil Service employment depending upon their grade (see paragraphs 7.1 to 7.4); or
- b. If they have had official dealings of a continued or repeated nature with their prospective employer at any time during their period of Civil Service employment; or
- c. If they have had access to commercially sensitive information of competitors of their prospective employer in the course of their official duties; or
- d. if their official duties during either the last year, or last two years of Civil Service employment, depending upon their grade (see paragraphs 7.1 to 7.4) have involved advice or decisions benefiting their prospective employer, for which the offer of employment could be interpreted as a reward, or have involved developing policy, knowledge of which may be of benefit to the prospective employer; or
- e. if they are to be employed (or self-employed) on any consultancy basis and they have had any dealings of a commercial nature with outside bodies or organisations in either the last year or two years of their Civil Service employment depending upon their grade (see paragraphs 7.1 to 7.4); or
- f. the applicant has been involved in developing policy affecting their prospective employer, or have had access to unannounced Government policy or other privileged information affecting their prospective employer, at any time in either the last year or two years of employment in the Civil Service, depending upon their grade (see paragraphs 7.1 to 7.4); or

## Standards of Conduct

### ANNEX 4 (Cont'd)

- g. they have been responsible for regulatory, or any other decisions, affecting their prospective employer, at any time in either their last year or last two years in the Civil Service depending upon their grade (see paragraphs 7.1 to 7.4); or
  - h. the proposed appointment or employment would involve making representations to, or lobbying the Government on behalf of, a new employer.
- 4.3 In circumstances where an individual is undertaking a role on a temporary promotion immediately prior to leaving the Civil Service, it will be the temporary grade that will determine how the Rules are to be applied.
- 4.4 An individual should contact NICS HR Employee Relations, and if required, submit an application before any commitment is made to take up an outside business appointment, employment or self-employment. Only in exceptional circumstances should an individual make a retrospective application(s). Exceptional circumstances may be for example due to a family crisis, or sickness.

## 5. Applications

5.1 Staff and Departments must ensure that application forms are completed for all requests for approval of appointments which fall within these rules. For this purpose:

- a. the applicant must be asked to supply:
  - i. full details of the proposed employment;
  - ii. details of any official dealings with a prospective employer or with any other related organisation, including any competitors of the prospective employer; and
- b. Departments must ensure that the application is fully completed and that they seek the comments of a countersigning officer who can verify, as far as possible, the information supplied by the applicant. The countersigning officer is normally a manager within the applicant's last civil service branch/unit, who has knowledge of the applicant's previous role and responsibilities.

5.2 The application form is available for downloading at Annex 5 or can be obtained from NICS HR Employee Relations or HRConnect.

## Standards of Conduct

### ANNEX 4 (Cont'd)

5.3 NICSHR Employee Relations must retain records of all applications received and ensure that key Departmental staff are advised of any conditions imposed on individual applications.

## 6. Terms of Approval

6.1 Applications under these rules will be approved either:

- a. unconditionally; or
- b. subject to conditions which may apply for up to two years from the final day in Civil Service employment. Approval will not normally be given to start a paid appointment with a new employer before completion of the last day of paid service.

6.2 Conditions may include:

- a. a waiting period before taking up the appointment/employment/self-employment;
- b. an absolute or qualified ban on the involvement of the applicant in dealings between the prospective employer and the UK Government or any devolved administration;
- c. a ban on the involvement of the applicant in dealings between the prospective employer and a named competitor (or competitors) of that employer;
- d. in the case of consultancies, a requirement to seek official approval before accepting commissions of a particular nature, or from named employers;
- e. if the Decision Officer believes that the appointment/employment/self-employment is unsuitable, they may add advice to its recommendation that the application be subject to a waiting period of up to two years and that advice will be available for publication;
- f. a two year ban may be applied by the Decision Officer on lobbying Government on behalf of the applicant's new employer, which can be modified/reduced if justified due to the particular circumstances of an individual application.



## **Standards of Conduct**

### **ANNEX 4 (Cont'd)**

6.3 In cases where it is proposed to impose a waiting period or other conditions, applicants should be given the opportunity of having an interview with the Decision Officer if they so choose, before a final decision is made.

6.4 Special Advisers will have the right of an independent informal appeals process, in which they can discuss a proposed departmental decision to apply a condition on their application with a Departmental Independent Board Member. This informal process can be conducted by the applicant either meeting with a Departmental Independent Board Member, or discussing their concerns about the impending decision by telephone. The Departmental Independent Board Member will engage with the Departmental Decision Officer as necessary. The outcome of this informal appeals process is determined by the Departmental Independent Board Member, and their decision is final.

## **7. Procedures for Dealing with Applications**

### **7.1 Head of the Northern Ireland Civil Service (HOCS)**

7.1.1 The Rules apply for two years after the last day of paid service. The new HOCS will consider applications before making a recommendation to the First Minister and deputy First Minister for their approval. In doing so the new HOCS may seek advice from relevant personnel in Whitehall.

7.1.2 In view of their access to policy issues at the highest levels, an application is subject to an automatic waiting period of three months between leaving Civil Service employment and taking up an outside business appointment, employment or self-employment. The First Minister and deputy First Minister have the discretion to waive this minimum waiting period if the appointment/employment/self-employment is one, which is unconnected with the applicant's official knowledge and no questions of propriety or public concern arise.

7.1.3 The maximum waiting period which can be applied is two years, or the First Minister and deputy First Minister may exceptionally decide that the appointment, employment or self-employment is unsuitable.

7.1.4 As a general principle, there will also be a two year ban on the applicant, lobbying Government on behalf of their new employer. The former HOCS should not engage in communication with Government, including Ministers, Special Advisers and officials with a view to influencing a Departmental decision or policy in relation to their own interests, or the interests of their new employer or any organisation to which they are contracted. The First Minister and deputy First Minister may decide to modify/reduce this ban if it is justified to do so, based on the circumstances of an individual application.

### **7.2 All Permanent Secretary Posts, and Specialists of Equivalent Standing**

## Standards of Conduct

### ANNEX 4 (Cont'd)

7.2.1 The Rules apply for two years after the last day of paid service. The decision on an application is made by HOCS. If an application is approved by HOCS, the decision is subject to Ministerial approval, and the relevant Department should submit a recommendation to their Minister.

7.2.2 In view of their access to policy issues at the highest levels, all applications are subject to an automatic minimum waiting period of three months between leaving Civil Service employment and taking up an outside business appointment, employment or self-employment. The Head of the Civil Service has the discretion to waive the minimum waiting period if the appointment is one, which is entirely unconnected with the applicant's official knowledge and no questions of propriety or public concern arise.

7.2.3 Taking account of the maximum waiting period of two years that may be applied, HOCS may, exceptionally decide that the business appointment, employment or self-employment is unsuitable.

7.2.4 As a general principle, there will also be a two year ban on applicants, lobbying Government on behalf of their new employer. The former civil servant should not engage in communication with Civil Service departments, including Ministers, Special Advisers and officials, with a view to influencing a Government decision or policy in relation to their own interests, or the interests of their new employer or any organisation to which they are contracted. The two year lobbying ban may be modified/reduced by HOCS, if it is justified to do so, based on the circumstances of an individual application.

### **7.3 Other Post holders in the Senior Civil Service (includes Grade 5 and Grade 3), Special Advisers, and Specialists of Equivalent Standing**

7.3.1 The Rules apply for two years after the last day of paid service. An application is required for any new business appointment, employment or self-employment that they wish to accept, only if one or more of the circumstances apply as outlined in paragraph 4.2. Decisions are made by the relevant Departmental Permanent Secretary. If the applicant is SCS Grade 3 (including specialists of equivalent standing), and the application is approved by the Permanent Secretary, the decision is subject to Ministerial approval. The relevant Department should therefore submit a recommendation to their Minister.

### **7.4 Staff Outside the Senior Civil Service - Grade 6 and below**

7.4.1 The Rules normally apply for one year after the individual's last day of paid service, however Departments have the discretion to apply the Rules up to two years if there is an exceptional case for doing so. An application is only required if the individual's circumstances match one or more of those outlined in paragraph 4.2. Applications are considered by and a decision made by the relevant manager, who is normally someone within the applicant's former line management.

## **Standards of Conduct**

### **ANNEX 4 (Cont'd)**

#### **Advice from NICSHR Employee Relations**

7.4.2 NICSHR Employee Relations will provide advice on whether or not an application is required.

7.4.3 Where a case appears to sit outside the policy, Departments may refer an application to the Director of NICSHR Employee Relations (Grade 5) for advice.

7.4.4 When referring cases to NICSHR Employee Relations or the Director of NICSHR Employee Relations for advice, Departments must submit:

- a. a copy of a completed and countersigned application form; and
- b. a covering letter, giving their own assessment of the application, including the outcome of any consultations with competitors of the prospective employer and their proposed or recommended course of action.

7.4.5 Guidance for Departments considering applications for departmental approval is provided in Annex 5.

#### **8. Reporting Offers of Employment**

8.1 If, under the rules, approval is required and an approach has been made from an outside employer, all serving members and former members of the NICS are required to report such approaches to either their line manager, or NICSHR Employee Relations for those staff who have left the NICS.

8.2 Staff in sections concerned with procurement or contract work should report any such approach or offer of employment, particularly when it emanates from an outside employer/organisation with whom they or their staff have had official dealings, whether or not they are considering taking it up.

#### **9. Procedures for Departments**

##### **9.1 Making Staff Aware of the Rules**

9.1.1 While the Department of Finance will draw to the attention of staff the existence of the HR handbook for new entrants, Departments are advised to:

- a. take special care to explain to staff recruited from outside the Civil Service their position under the rules on appointment;

## Standards of Conduct

### ANNEX 4 (Cont'd)

- b. include a copy of the rules in Departmental staff handbooks, such as staff induction packs;
- c. remind all staff of the rules and issue the application form to staff, if requested:
  - i. on retirement;
  - ii. on resignation;
  - iii. at the end of a limited-period appointment; and
  - iv. Voluntary Exit.

9.1.3 Departments are advised to take every opportunity, provided by letters of resignation, and requests for references, to check whether an application under the Rules is necessary.

9.1.4 The relevant Permanent Secretary (or equivalent) is responsible for the effective operation of the Business Appointment Rules within their Department.

## 9.2 Transparency

9.2.1 In addition to notifying the applicant of the outcome of their application, the Department must also inform prospective employers of any conditions which have been attached to the approval of the business appointment, employment or self-employment.

9.2.2 Departments should make public on their external departmental websites summary information in respect of applications from SCS Grade 5 and above, including equivalent grades, and Special Advisers. This summary information should include the applicant's name, former Department, role, grade, new appointment details and the advice given including any restrictions imposed upon them. Before publishing information on external departmental websites, Departments need to ensure compliance with the Data Protection Act.

## Standards of Conduct

### ANNEX 5

#### **Model Application for Permission to Accept an Outside Business Appointment, Employment or Self-Employment**

1. 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 business appointment, employment or self-employment. It is equally important that when a former Civil Servant takes up an outside business appointment, employment, or self-employment there should be no cause for any suspicion of impropriety.
2. Before completing this application form, you should consult the rules governing the acceptance of outside business appointments, employment or self-employment as set out in Annex 4.
3. You should complete all sections within Parts 1 and 2 of the form and return it to your NICSHR Employee Relations, which will ensure that Part 3 is completed by the appropriate Departmental countersigning officer. It is in your own interest to submit the application as soon as possible and to ensure that all relevant information is provided.
4. If you are seeking approval to take up more than one appointment, you should complete Part 2 in respect of each appointment. If you are setting up an independent consultancy you should complete a separate answer to sections 6 and 7 for each company/organisation from whom you are proposing to accept commissions.
5. The form should be completed in black ink. If there is insufficient space on the form, please continue on a separate sheet of paper.
6. Enquiries about this application and requests for extra copies should be made to NICSHR Employee Relations, Senior HR Business Partner, or line manager.

Standards of Conduct

ANNEX 5 (Cont'd)

Model Application Form

Part 1 To be completed by the applicant

1

Name (including any titles, decorations)

Payroll Number

Last/Present grade/job title  Date of birth

Reasons for leaving the Civil Service (please tick, if applicable)

Retirement  Resignation  Other (give details)

Address for correspondence:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Post Code

Daytime telephone number \_\_\_\_\_

Email address \_\_\_\_\_

**Standards of Conduct**

**ANNEX 5 (Cont'd)**

**|2|**

Date of last day in Civil Service employment

Date of last day in post if different from above

Proposed starting date of outside appointment/employment/self-employment

**|3|**

Please state below posts held during last 5 years of Civil Service employment beginning with the most recent:

Department, Division/Unit,  Branch	Job Title	Dates		Rank/grade	Brief description of duties
		From	To		

**Standards of Conduct**

**ANNEX 5 (Cont'd)**

**Part 2** *To be completed by the applicant*

Please complete section 4 if you are proposing to join a company or organisation (either full-time or part-time or as a consultant). If you are proposing to set up an independent consultancy you should proceed to section 5. All applicants should answer sections 6 and 7.

**4] Appointment with a Company/Organisation**

Company/Organisation's Name

Nature of business

Full address   
  
  
 Post Code

Name of contact in Company/Organisation

Position  Telephone Number

Company's parent company or group

Department's relation with Company/Organisation (*please tick*)

Contractual  Non-contractual  None  Not known

Job title and description of your proposed duties



**Standards of Conduct**

**ANNEX 5 (Cont'd)**

Is the proposed appointment full or part-time? *(please tick)*

Full-time	<input type="checkbox"/>	Part-time	<input type="checkbox"/>
-----------	--------------------------	-----------	--------------------------

If part-time, please state how much time is likely to be involved

<input type="checkbox"/>	days per week/month/year <i>(delete as appropriate)</i>
--------------------------	--

Will you be paid?  
*(please tick)*

Salary	<input type="checkbox"/>	Retainer	<input type="checkbox"/>	Fee	<input type="checkbox"/>	Unpaid	<input type="checkbox"/>
--------	--------------------------	----------	--------------------------	-----	--------------------------	--------	--------------------------

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

Did you apply for an advertised post *(please tick)*

If **No** state how the offer of the post arose

Is the appointment likely to include any contact or dealings with your former Department or Civil Service more generally

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
-----	--------------------------	----	--------------------------

If yes, please give full details, including any involvement you will have in business involving the Department or Civil Service, in lobbying Ministers or officials or advising on how to represent the interests of the new employer

**Standards of Conduct**

**ANNEX 5 (Cont'd)**

**[5] Self-Employed/Freelance Consultancies**

State nature of proposed consultancy work

Give the name of the companies/organisations whose commissions you wish to accept and complete a separate answer to 6 and 7 below in respect of each.

---

**[6] Dealings with prospective employer**

Have you, or those for whom you were responsible, over the last 2 years of service:

*(Please tick)*

Yes                  No

Dealt with the receipt of tenders or the awarding of contracts between your prospective employer (including, if applicable its parent company or any subsidiary company) and the Department?

<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------

Administered or monitored such contracts?

<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------

Advised professionally/technically on contracts before they were awarded?

<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------

Advised professionally/technically on contracts after they were awarded?

<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------

If you have answered 'Yes' to any questions above please state how many contracts were involved.

**Standards of Conduct**

**ANNEX 5 (Cont'd)**

For each contract show:

Nature of contract(s)	Value*	Date awarded	Name of the official immediately responsible for letting the contract and the nature of your role

*\*It is very important to state the value of contract(s).*

Have you ever had any official, including non-contractual, dealings with your prospective employer, other than those detailed above?

Yes

No

If you have answered 'Yes', please give details indicating frequency of contract (continue on a blank sheet if necessary).

Have you been involved in decisions during your last 2 years of service (other than those about contracts) which might affect the employer's business with the Department?

Yes

No

If you have answered 'Yes' please give details

**Standards of Conduct**

**ANNEX 5 (Cont'd)**

**[7] Dealings with other companies**

Please give the following information about any other companies with which you have dealt in the last 2 years' of service

Name of company	The nature of the dealings you have had with the company	Is the company a competitor of your proposed employer?	
		Yes	No

Are any of the above a competitor of your proposed employer, or perceived to be a competitor of your proposed employer? and

Yes  No

through your official duties have you had access to commercially sensitive information about any competitors of your prospective employer?

Yes  No

If you have answered 'Yes' please give full details of this information. It would be helpful if you would also give the addresses of competitors and the name of a contact in each, if known.

**[8] Policy, Regulatory and Other Matters**

Have you been involved in the development or administration of any Departmental policy or in policy decisions which have affected (or could affect) your prospective employer or its competitors? Yes  No

If yes, please give full details.

Have you been involved in any other work, such as regulatory or the award of grants which have affected (or could affect) your perspective employer or its competitors? Yes  No

If yes, please give full details.

Please state below if you are aware of any other factors which could affect the perception of your appointment/employment once it has been taken up or announced.

Please satisfy yourself that you have included all the available details and then sign and date the form.

Signature of applicant

Date

**You should now pass this form to NICSHR  
Employee Relations, or Senior HR Business  
Partner.**

**Standards of Conduct**

**ANNEX 5 (Cont'd)**

**Part 3** *To be completed by the appropriate Departmental Officer*

**PLEASE DEAL WITH THIS PROMPTLY AND ANSWER THE FOLLOWING QUESTIONS IN AS MUCH DETAIL AS POSSIBLE. YOUR ANSWERS SHOULD MAKE A VALUABLE CONTRIBUTION TO THE DEPARTMENT'S EVALUATION OF THE APPLICATION. CONTINUE ON SEPARATE SHEETS IF NECESSARY**

In making a decision on this application the Department has to be satisfied that it could rebut criticism of the appointment, employment or self-employment, however unjustified, that the applicant had been influenced in their official dealings with the company by hopes or offers of employment, or in the course of official duties had been given access to information which the prospective employer's competitors might regard as being commercially sensitive.

It is in the applicant's best interest for you to deal promptly with this application form. When you have completed this part please return it to NICSHR Employee Relations, or Senior HR Business Partner.

**[1]**

With the above factors in mind, are you able to confirm that the relevant particulars in Parts 1 and 2 are accurate and complete? *(please tick)*

Yes

No

If 'No' please give your reasons

**Standards of Conduct**

**ANNEX 5 (Cont'd)**

**2**

If the applicant's answers to Part 2, question 6, show previous involvement in official dealings with the company, please indicate how much influence they have had in decisions affecting the prospective employer or its competitors, please indicate how much influence they had in decisions affecting them. Also, could the appointment/employment/self-employment be perceived as a reward?

**3**

Please refer to the applicant's answer at 7 of Part 2. If they had access to information which could be regarded as being commercially valuable or sensitive? Note: If yes, competitors should normally be consulted about the application. In your view could competitors justifiably object to the appointment/employment/self-employment and what grounds, if any, would there be for overruling their objections?

**Standards of Conduct**

**ANNEX 5 (Cont'd)**

**4** Has the applicant had access to policy or other departmental information, knowledge of which could give the prospective employer an unfair advantage? If so, please explain how and to what extent this knowledge might benefit the prospective employer. What steps, if any, could be taken to safeguard the appointment/self-employment/employment against criticism?

**5** Have you any reservations about their application being approved? Please explain in full. Your contribution is important in helping the Department reach and defend its decision.

PLEASE SIGN BELOW GIVING THE RELEVANT INFORMATION REQUESTED

Signature

Name in Capitals

Rank/Grade/Job Title

Branch/Unit/Division/  
Department

Telephone Number

Date



**Guidance for Departments on the Rules Relating to the Acceptance of Outside Business Appointments, Employment or Self-Employment by Civil Servants after leaving the Civil Service**

**1. General**

1.1 The rules are designed primarily to counter any suspicion that an appointment, employment or self-employment 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 has had access to what they might legitimately regard as their own “trade secrets”.

1.2 An appointment, employment or self-employment may also be sensitive because of the employer’s relationship with the Department and because of the nature of any information which the applicant possesses about Departmental policy.

1.3 While appointments, employment or self-employment must not only be, but also be seen to be, wholly untinged by impropriety Departments must, however, be aware of public perception and be prepared to defend an appointment/employment/self-employment which they are willing to approve.

**2. The Employer and the Applicant**

2.1 In most cases, problems will occur only if the applicant has had some degree of contact with the prospective employer, which may give rise to criticism that the post is a “reward for past favours”. Departments should take the following into account:

- a. how much of the contact was in the course of official duties;
- b. how significant that contact was;
- c. the nature of the proposed employment;
- d. the connection between the proposed employment and the applicant’s previous official duties.

## Standards of Conduct

### ANNEX 6

2.2 In order to establish whether the applicant was able to exert any degree of influence over the outcome of contractual or other dealings with prospective employers, Departments must establish:

- a. whether the individual was acting as a member of a team, jointly with other individuals in the Department or in the civil service more widely, or took sole responsibility;
- b. whether the prospective employer benefited substantially from such dealings;
- c. whether contact was direct; and
- d. whether it was indirect (in other words through those for whom the applicant was responsible, whether or not they normally worked for them).

2.3 Departments must take into account contacts in the course of official duty that took place:

- a. at any time in either the last year or two years (depending upon their grade) before resignation or retirement; and
- b. earlier, where the association was of a continued or repeated nature.

2.4 Departments must consider in particular whether the applicant has been:

- a. dealing with the receipt of tenders submitted by the proposed employer;
- b. dealing with the award of contracts to the proposed employer;
- c. dealing with the administration or monitoring of contracts with the proposed employer;
- d. giving professional or technical advice about such contracts whether before or after those were awarded; and
- e. involved in dealings of an official, but non-contractual nature, with the proposed employer (this is particularly important in the circumstances set out in paragraph 7 below).

## Standards of Conduct

### ANNEX 6

2.5 Departments must take into account the circumstances of an applicant's departure from their NICS employment when considering the merits of an application. Staff reduction policies will not justify reducing standards of propriety, or any weakening of the element of protection which the rules afford to third parties in respect of trade secrets.

### 3. The Prospective Employer and Civil Service Departments

3.1 The relationship of the prospective employer to Civil Service Departments may be a relevant factor when considering applications. Departments are advised to pay special attention to appointments, employment or self-employment where the prospective employer:

- a. has a contractual relationship with the Department;
- b. is regulated by the Department;
- c. receives subsidies, loans, guarantees, or other forms of financial assistance from the Department;
- d. is one in which the civil service is a shareholder; or
- e. is one with which Departments, or Branches of the civil service, or the Armed Services are, as a matter of course, in a special relationship.

### 4. Prospective Non- UK Overseas Employers

4.1 The same considerations apply to potential employment and appointments to Non-UK publicly owned institutions or companies outside of the UK.

### 5. Departmental Policy or Business

5.1 Many Civil Servants deal with private interests on behalf of Civil Service Departments. They have special knowledge of how the Civil Service Departments would be likely to react in particular circumstances. Departments are advised to consider whether the application could be, or be thought to be, significantly helpful to the employer in dealing with matters where policy is developing or legislation is being prepared in a way that may disadvantage competitors of that employer. This applies, in particular, to specific areas where:

## Standards of Conduct

### ANNEX 6

- a. there has been a negotiating relationship between the Department and the employer;
- b. the applicant has been involved in policy discussions within the Department leading to a decision of considerable benefit to the employer;
- c. the applicant has been involved in policy discussions within the Department, knowledge of which could give the prospective employer an improper advantage over its competitors; or
- d. where there is a risk of public criticism that the applicant may have scope to exploit contacts in their former Department/Agency for commercial purposes.

5.2 In such cases, Departments are asked to consider the implications of the applicant's joining the employer and be guided accordingly.

## 6. The Prospective Employer and Competitors' Trade Secrets

6.1 Appointments, employment or self-employment may be criticised on the grounds that the applicant had access to information about their prospective employer's competitors which they could legitimately regard as "trade secrets". Concern on this score can arise whether or not the applicant has had previous dealings with the prospective employer. Departments must consult competitors as a matter of course, preferably using a standard letter, based on the Department of Finance model letter (copy on final page of this Annex), to ascertain if they have any objections to the appointment.

## 7. Consultancies

7.1 Individuals who are to be employed on any consultancy basis should be treated in the same way as other applicants under the rules. Extra care is needed, however, in dealing with such applications.

7.2 In the case of an applicant wishing to take up a salaried appointment with a firm of consultants, the "rewards for past favours" issue will relate almost exclusively to the nature of any previous dealings between the applicant and the firm they are seeking to join. Departments will, however, need to consider the "trade secrets" question both from the point of view of any competitors of the consultancy firm and then, more generally, from the point of view of the service which the applicant will be offering on behalf of the consultant. It may be

## Standards of Conduct

### ANNEX 6

necessary to impose conditions on the appointment to protect the “trade secrets” of firms with which the applicant or the Department had dealings.

7.3 Departments must also consider whether there is a need to apply conditions limiting contact between applicants proposing to work as consultants and their former Departments. This may be particularly relevant in the case of staff at senior levels where there is a risk of public criticism that they could be exploiting contacts in their former Departments for commercial purposes.

7.4 Departments must inform prospective employers of any conditions which have been attached to the approval of an appointment, employment or self-employment, and make a careful record of all decisions to approve appointments/employment/self-employment under the rules, noting in particular any conditions that were applied.

## **8. Model Letter for Departments to Use When Consulting Competitors in Business Appointment or Employment Cases Where Trade Secrets May be at Risk**

### **Proposed Business Appointment**

I am writing to inform you that [*name of officer*], of this Department has applied for official permission to accept an appointment/employment/self-employment with [*name of competitor*], following their[*retirement/resignation etc*] from the Service.

Civil Servants who wish to take up an outside appointment, employment, or self-employment up to 2 years of leaving the Service may only do so after obtaining official permission in accordance with the rules on the acceptance of outside business appointments, employment or self-employment. When an applicant may have had access to information about one or more of their prospective employer's competitors which could be legitimately regarded as their trade secrets, the rules provide for consultation with those firms to ascertain whether they have any view on the appointment/employment/self-employment.

I understand that in their recent appointment/employment/self-employment as [*post, name of officer*] may have had some dealings with your company. I would be grateful for any comments you wish to make in respect of the conditions we may impose if the appointment/employment/self-employment is to be taken up. Those comments will be treated in confidence by this office at all times. Please forward your comments to me at the address above or email xxxxxx no later than

## **Standards of Conduct**

### **ANNEX 6**

xxxxx. If a response is not received by this date, I will assume you do not have any comments to make.

Any request for information in respect of the applicant's proposed appointment/employment/self-employment will be dealt with in accordance with either our line of business rules, the Data Protection Act, or Freedom of Information Act.

## **Official Secrets Act 1989**

### **1 Introduction**

1.1 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 for a Civil Servant to disclose any official information without lawful authority. Under the 1989 Act it is an offence to disclose information only in one of six specified categories and, in general, only if the disclosure can be shown to have damaged the national interest in a specified way. The main provisions of the Act as they affect Civil Servants are summarised in the following paragraphs. These paragraphs are not comprehensive; more detailed advice or guidance about the Act may be obtained from NICS HR Employee Relations.

### **2 Section 1 of the Official Secrets Act 1911**

2.1 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.

### **3 Application**

3.1 The Act applies to Crown servants, Government contractors and to others who have, or have had, official information in their possession. For the purposes of the Act, "Crown servants" includes Ministers of the Crown; Civil Servants (including members of the Diplomatic Service); members of the armed forces; the police; and office holders and the members or staff of a body (or class of members or employees of such a body) which are "prescribed" for the purpose by an Order made under the Act.

### **4 Official Information**

4.1 In the following paragraphs, the word "information" refers to any information, document or article which is or has been in a Civil Servant's possession by virtue of their position as such.

### **5 "Without Lawful Authority"**

5.1 An offence is committed under the Act if, and only if, the information disclosed by a Civil Servant is disclosed without lawful authority. Information is disclosed

## Standards of Conduct

### ANNEX 7 (Cont'd)

with lawful authority, if, and only if, it is disclosed in accordance with the Civil Servant's official duty.

## 6 The Protected Categories

6.1 Information is protected by the Act if, and only if, it is in one of the following six categories:

- a. security and intelligence: information about the work of the security and intelligence services;
- b. defence: information about:
  - i. the size, shape, organisation, logistics, order of battle, deployment, operations, state of readiness and training of the armed forces of the Crown;
  - ii. the weapons, stores or other equipment of those forces and the invention, development, production and operation of such equipment and research relating to it;
  - iii. defence policy and strategy, and military planning and intelligence; and
  - iv. plans and measures for the maintenance of essential supplies and services that are, or would be, needed in time of war;
- c. international relations: information about relations between states, between international organisations or between one or more States and one or more such organisations;
- d. confidential information obtained from a State other than the United Kingdom or an international organisation;
- e. crime: information, the disclosure of which:
  - i. results in the commission of an offence; or
  - ii. facilitates an escape from legal custody or the doing of any other act prejudicial to the safekeeping of persons in legal custody; or
  - iii. impedes the prevention or detection of offences or the apprehension or prosecution of suspected offenders;



## Standards of Conduct

### ANNEX 7 (Cont'd)

or which is such that its unauthorised disclosure would be likely to have any of those effects;

- f. special investigation powers: information obtained:
  - i. by reason of the interception of any communication in obedience to a warrant issued under Section 2 of the Interception of Communications Act 1985, any information relating to the obtaining of information by reason of any such interception and any document or other article which has been used or held for use in, or has been obtained by reason of, any such interception; or
  - ii. by reason of action authorised by a warrant issued under Section 3 of the Security Service Act 1989, any information relating to the obtaining of information by reason of any such action and any document or other article which is or has been used or held for use in, or has been obtained by reason of, any such action.

## 7 The Damage Tests

7.1 In general, an offence is committed under the Act only if a disclosure damages the national interest in one of the ways specified in the Act. A different “damage test” is specified for each category of information. Thus:

- a. a disclosure relating to security or intelligence is damaging if:
  - i. it causes damage to the work of, or any part of, the security and intelligence services; or
  - ii. it is of information which is such that its unauthorised disclosure would be likely to cause such damage or which falls within a class of description of information the unauthorised disclosure of which would be likely to have that effect;
- b. a disclosure relating to defence is damaging if:
  - i. it damages the capability of, or any part of, the armed forces of the Crown to carry out their tasks or leads to loss of life or injury to members of those forces or serious damage to the equipment or installations of those forces; or
  - ii. it otherwise endangers the interests of the United Kingdom abroad, seriously obstructs the promotion or protection by the

## Standards of Conduct

### ANNEX 7 (Cont'd)

United Kingdom of those interests or endangers the safety of British citizens abroad; and

- c. a disclosure relating to international relations or foreign confidence is damaging if:
  - i. it endangers the interests of the United Kingdom abroad, seriously obstructs the promotion or protection by the United Kingdom of those interests, or endangers the safety of British citizens abroad; or
  - ii. it is of information which is such that its unauthorised disclosure would be likely to have any of those effects.

7.2 There is no separate damage test for information about crime or the special investigation powers under the Interception of Communications Act 1985 and the Security Service Act 1989.

## 8 The Security and Intelligence Services

8.1 A person who:

- a. is or has been a member of the security and intelligence services; or
- b. has been notified in writing that they are subject to Section 1(1) of the Act because their work is, or includes work, connected with the security and intelligence services, commits an offence if they disclose, without lawful authority, any information relating to security or intelligence which is or has been in their possession by virtue of their position as a member of the security or intelligence services or in the course of their work while the notification is or was in force. There is no damage test.

8.2 Notification that a person is subject to Section 1(1) of the Act continues in force for a period of five years after it is served or until it is revoked or renewed.

## 9 Safeguarding of Information

9.1 Where a Civil Servant, by virtue of their position as such, has in their possession or under their control any document or article which it would be an offence under the Act to disclose without lawful authority, they commit an offence if they:

## **Standards of Conduct**

### **ANNEX 7 (Cont'd)**

- a. retain the document or article contrary to their official duty; or
- b. fails to take such care to prevent the unauthorised disclosure of the document or article as a person in their position may reasonably be expected to take.

9.2 A Civil Servant also commits an offence if they disclose any information which can be used for the purpose of obtaining access to information in one of the specified categories and the circumstances in which it is disclosed are such that it would be reasonable to expect that it might be used for that purpose without authority.

## **10 Penalties**

10.1 The offences described in the previous paragraphs, except the offences described in paragraph 9, may be tried either on indictment, by the Crown Court, or summarily, by a magistrates' court. The maximum penalties are two years imprisonment or an unlimited fine, or both, if the offence is tried on indictment and six months imprisonment or a £2,000 fine, or both, if the offence is tried summarily.

## **11 Prosecutions**

11.1 Prosecutions for most offences under the Act may be instituted only by or with the consent of the Attorney General for Northern Ireland. Prosecutions for certain offences connected with crime (for example those described at paragraph 5(e) above) may only be instituted by or with the consent of the Director of Public Prosecutions for Northern Ireland.

## **12. After Employment Ends**

12.1 There are duties in the Official Secrets Act 1989 ("OSA") which relate to any person who is or has been a Crown servant. Therefore OSA has ongoing effect after your employment in the civil service ends. You must continue to comply with those duties. You are required to return to your department all work related documents or items. Failure to do so may be a criminal offence under OSA. You have no authority to retain, or to disclose to any person, any work related document or item.

## **Political Activities**

### **1 Rules for Civil Servants**

1.1 National political activities subject to restriction are defined as follows (in this section 'national' means the United Kingdom or any part thereof):

- a. public announcement as a candidate or prospective candidate for Parliament or the European Parliament or the Northern Ireland Assembly.
- b. holding, in party political organisations, offices that impinge wholly or mainly on party politics in the field of Parliament, the European Parliament or the Northern Ireland Assembly or the Forum (Northern Ireland (Entry to Negotiations, etc) Act 1996);
- c. speaking in public on matters of national political controversy;
- d. expressing views on such matters in letters to the Press, or in books, articles or leaflets; or
- e. canvassing on behalf of a candidate for Parliament or the European Parliament, or the Northern Ireland Assembly or the Forum (Northern Ireland (Entry to Negotiations, etc) Act 1996) or on behalf of a political party.

1.2 Local political activities subject to restriction are defined as follows:

- a. candidature for, or co-option to, local authorities;
- b. holding, in party political organisations, offices impinging wholly or mainly on party politics in the local field;
- c. speaking in public on matters of local political controversy;
- d. expressing views on such matters in letters to the Press, or in books, articles or leaflets;
- e. canvassing on behalf of candidates for election to local authorities or a local political organisation.

## Standards of Conduct

### ANNEX 8 (Cont'd)

1.3 Civil Servants are permitted to undertake political activities as follows:

- a. those in the politically free group (industrial staff and non—industrial support grades) are completely free to engage in the activities defined in paragraphs 1.1 and 1.2;
- b. those in the politically restricted group are debarred from engaging in national political activities, but free to seek permission from their employing Departments under the terms of paragraphs 3.1 and 3.2, to engage in local political activities (this group comprises Principal/Grade 7 and equivalent grades and above); and
- c. those in the intermediate group are eligible for freedom to engage in any or all of the national or local political activities, except candidature for Parliament or the European Parliament, or the Northern Ireland Assembly, with the permission of their employing Departments in accordance with the special considerations in paragraphs 2.1 to 2.5 and 3.2 below; (this group comprises of all Civil Servants not in either of the other two groups).

1.4 All Civil Servants are required to observe the rules concerning the use of official information or experience (see paragraphs 15.1 and 15.2 relating to broadcasts, lectures and the like) and are barred from any form of political activity whilst on duty or in uniform or on official premises.

1.5 Staff in the intermediate and politically restricted groups who have not been given permission to engage in any of the political activities defined in paragraphs 1 and 2 are expected at all times to maintain a reserve in political matters and not to put themselves forward prominently on one side or another.

## 2 The Intermediate Group

2.1 Departments may grant or refuse permission to undertake political activities to people in the intermediate group (and, in certain instances, also those in the politically restricted group – paragraph 3.1 below refers) according to the nature of the current duties of the applicant. Departments should grant permission to the maximum extent consistent with the statement of intent above. It is granted subject to the employing Department being satisfied that the individual concerned will continue fully to observe the general rules of conduct and the code of discretion in paragraph 3.2. There are sensitive areas in which the political impartiality of the Civil Service could be most at risk and accordingly permission cannot normally be granted to:

## Standards of Conduct

### ANNEX 8 (Cont'd)

- a. staff closely engaged in policy assistance to Ministers (or to Non-Departmental Public Bodies) for example in tendering advice or executing immediate Ministerial directives; or working in sensitive areas, such as the private offices of Ministers or senior officials, or areas that are acutely politically sensitive or subject to considerations of national security;
- b. staff who regularly speak for the Government or the Department in dealings with commercial undertakings, pressure groups, local government, public authorities or any other bodies, and who may appear to these organisations to have influence in the application of Government policy affecting them;
- c. staff who represent Government in dealings with overseas Governments; or
- d. staff whose official duties involve a significant amount of face-to-face contact with individual members of the public and who make, or may seem to the public to be involved in making, decisions affecting them and whose political activities are likely to be (or become) known to those members of the public (for example those whose work involves them, or may seem to the public to involve them, in both intimate knowledge and direct contact with members of the public in regard to their personal affairs and decisions affecting their personal lives).

2.2 It is the general intention that standing permission should be applied to posts outside these sensitive areas (see paragraph 2.4 below). Where members of staff working within these areas wish to become politically active and permission cannot be granted because of the nature of their posts, full consideration will be given to the possibility of finding a suitable alternative post always subject to the constraints of the particular circumstances of individual Departments (see paragraph 2.5 below).

2.3 The nature of an individual's duties may be such that permission can be granted to undertake either only national or only local political activities; but, in general, where permission is given to undertake national political activities, it will follow that it should also be given for local political activities. If permission to engage in political activities has to be withheld, the reasons should be fully explained to the applicant.

2.4 Departments should indicate to the maximum possible extent the posts in the intermediate category within their business areas, which carry en bloc standing permission to undertake national or local political activities, or both, and whose occupiers need not seek permission on an individual basis. Officers holding such

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posts are required, however, to notify the Department of intended political activities prior to embarking on them.

2.5 Individuals given permission to undertake political activities remain liable in the usual way to posting to different official duties as the needs of the public service may require. Within this context and subject to the constraints of their particular circumstances, Departments 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 the range of experience. Those transferred to a post for which permission cannot be granted will be required to relinquish their political activities.

### 3 The Politically Restricted Group

3.1 Civil Servants who are in the politically restricted group and barred from national political activities as defined in paragraph 1 above, may seek permission to take part in local political activities. When deciding whether or not such permission can be granted, Departments must have regard to, and apply as appropriate, the criteria and other matters referred to in paragraphs 2.1 and 2.3 above. Permission is subject to their notifying the Department in due course if they are elected to a local authority. If permission has to be withheld, the reasons should be fully explained to the applicant.

3.2 Even when permission, either individually or en bloc, is given to staff in the intermediate or politically restricted groups, a Civil Servant's political views should not constitute so strong and so comprehensive a commitment to the tenets of one political party as to inhibit, or appear to inhibit, loyal and effective service to Ministers of another party. Such permission is subject accordingly to the following:

- a. individuals in the intermediate and politically restricted groups undertaking political activities should bear in mind that they are servants of the Crown, working under the direction of Ministers forming the Government of the day. While they are not debarred from advocating or criticising the policy of any political party, comment should be expressed with moderation, particularly in relation to matters for which their own Ministers are responsible, and indeed all comment avoided if the departmental issue concerned is controversial. Personal attacks should be avoided;
- b. every care should be taken to avoid any embarrassment to Ministers or to their Departments which could result, inadvertently or not, from the actions of persons known to be Civil Servants who bring themselves prominently to public notice in party political controversy; and

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- c. permission to participate only in local political activities is granted subject to care being taken by the officers concerned not to involve themselves in matters of political controversy that are of national rather than local significance.

#### **4 Trade Union Activities**

4.1 Civil Servants do not need permission to take part in activities organised by their trade unions and it is not the intention to prevent or deter Civil Servants from taking part in such activities.

4.2 Civil Servants in the intermediate and politically restricted categories, and who are elected trade union representatives, are bound by the whole of this section when not acting in a trade union capacity.

4.3 Such Civil Servants who are elected trade union representatives will, however, from time to time inevitably comment on Government policy when representing, as elected representatives, the interests of their members. This section in no way denies their right to pursue the legitimate interests of their members; but when this involves commenting on Government policy they must make it clear that they are expressing views as representatives of the union and not as Civil Servants and must put those views over in a reasonable way bearing in mind their position as Civil Servants. In cases of doubt, they should seek advice from NICS HR Employee Relations.

4.4 Such trade union representatives are, of course, bound by the provisions of the 'General Principles of Conduct' section of this policy and this part of this section should be read in conjunction with those paragraphs.

#### **5 Appeals**

5.1 Civil Servants may appeal against refusal by a Department to grant them permission to undertake political activities to the Civil Service Appeal Board. In cases where permission is refused, individuals should be told of their right of appeal. Notification of the intention to appeal must be received by the Secretary to the Board within eight weeks of the date of the official notification to the individual of the Department's final decision, following any appeals made under the Grievance Procedure.

5.2 The Secretary to the Board will inform the employing Department that notice of appeal has been received. Appellants must submit their full case in writing to the Secretary within four weeks of the date on which their appeal is lodged. This will then be forwarded to the employing Department. The Department should



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explain the reasons for its decision and comment, if it wishes, on any points made by the appellant within four weeks of the date on which it receives the full case. The Secretary will send a copy of the Department's submission to the appellant.

5.3 In considering each case, the Appeal Board may apply the following procedure:

- a. either party will have the right to give further evidence, either orally or in writing. Appellants are entitled to ask a trade union representative, or a colleague, to assist them with their case and to submit evidence on their behalf;
- b. the Secretary to the Appeal Board will notify appellants in advance of the date on which the Board is to consider the case and will ask if they intend to exercise their right to appear in person and to be assisted. If appellants appear before the Board, their employing Department will also be invited to represent itself;
- c. it is open to the Appeal Board to invite evidence to be submitted by the employing Department, or by any person whom the Appeal Board considers appropriately qualified, as to considerations of relevance to the particular case. The parties will have the right to reply to such evidence; and
- d. it is also open to the Appeal Board, if the appellants wish and subject to the Board's judgement as to considerations of security and the confidentiality of personal information, to require the employing Department to give appellants access to other papers which the Board considers they should see for the purpose of presenting their case.

5.4 The Appeal Board for each case will comprise three people sitting together; either the appointed Chairman or Deputy Chairman of the Appeal Board and two members, one drawn from a panel nominated by the Management Side and one from a panel nominated by the Trade Union Side. The Appeal Board will operate without undue formality. The Board will decide whether it would be advisable or inadvisable for a Civil Servant to undertake the activity for which permission has been refused. If the Board decides on the former, it may recommend to the Head of the employing Department that the political activity concerned ought to be allowed, but may recommend the imposition of specific conditions. If the Head of the Department does not accept the Board's recommendation that permission should be granted, the case must be submitted to the Minister in charge of the Department concerned.

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### **ANNEX 8 (Cont'd)**

5.5 The Secretary to the Appeal Board will notify the appellant and the employing Department of the Board's recommendations. Where it recommends that the political activity in question should be permitted, the employing Department will notify the appellant and the Appeal Board of the decision of the Head of Department, or Minister as appropriate.

5.6 Departments should meet the travelling and subsistence expenses of individuals called before the Appeal Board. They should also meet those expenses in respect of a colleague who attends to assist the appellant. Payment of such expenses should be met in accordance with the rules set out in the Travel and Subsistence Allowances section of this Handbook.

## **6 Peers in the Service of the Crown**

6.1 A Peer in the Civil Service is subject to the same rules governing political activities and public speeches on matters of controversy as other Civil Servants and is free to speak in the House of Lords to the same extent that any Civil Servant is free to speak elsewhere.

6.2 Thus, a Peer who is in the politically free group may speak and vote in the House of Lords on any occasion; Peers in the intermediate or politically restricted groups who wish to participate in a debate in the House of Lords should approach NICS HR Employee Relations for prior permission. A Peer in the politically restricted group is barred by the provisions of paragraph 1.1.c from speaking in any debate that could be considered controversial in a party political sense.

## **7 Parliamentary Candidature**

7.1 The Civil Service (Parliamentary and Assembly Candidature) Order (Northern Ireland) 1990, provides that no person to whom it applies shall issue an address to electors, or in any other manner publicly announce themselves or allow themselves to be publicly announced, as candidates, or as prospective candidates, for election to Parliament, the European Parliament or the Northern Ireland Assembly for any (Parliamentary, European Parliament or Assembly) constituency. The Order applies to all Civil Servants other than the politically free group. Civil Servants on secondment to outside bodies, whether or not they are paid by the receiving organisation, remain subject to the Order.

7.2 To comply with the Order, Civil Servants in the intermediate or restricted groups must resign from the Civil Service on their formal adoption as a parliamentary candidate or prospective candidate in accordance with the procedures of the political party concerned. Until their resignation takes effect,

## **Standards of Conduct**

### **ANNEX 8 (Cont'd)**

Civil Servants remain subject to the rules on political activities set out in paragraph 19.1 of this policy and paragraphs 1 to 21 of this Annex.

7.3 A member of the politically free group is not obliged to resign on adoption as a prospective candidate. However, all Civil Servants, including those in the politically free group, are disqualified from election to Parliament by the House of Commons Disqualification Act 1975, to the European Parliament by the European Assembly Elections Act 1978 and to the Northern Ireland Assembly by the Northern Ireland Assembly Disqualification Act 1975 and to prevent their election being held to be void, politically free Civil Servants should take care to submit their resignation before they give their consent to nomination in accordance with the relevant election rules.

7.4 Civil Servants in the politically free group elected to Parliament, the European Parliament or the Northern Ireland Assembly will be entitled to be reinstated in the Civil Service if:

- a. they cease to be a Member after an absence not exceeding five years;
- b. they had not less than 10 years actual service before their election; and
- c. they apply for reinstatement within three months of ceasing to be a Member.

Applications for reinstatement - when the first two of those conditions are not satisfied - will be sympathetically considered on their merits.

7.5 Civil Servants in the politically free group, if not elected to Parliament, the European Parliament or the Northern Ireland Assembly will, on application within a week of declaration day, be reinstated in their previous capacity as from the date of application, but the period of the break will not count for leave, pay or superannuation purposes. Salary will also not be payable during the break. Civil Servants in the intermediate or politically restricted groups who resign their Civil Service posts on being adopted as parliamentary candidates have no right to reinstatement, but applications for reinstatement may be considered when postings to non-sensitive areas of work (paragraph 6 above refers) are possible.

**MONEY OR LOST PROPERTY FOUND ON OFFICIAL PREMISES**

**Suggested form of wording for indemnity. See paragraph 35.12**

I acknowledge receipt of [£        as a reward in respect of \*] (item) which I found on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_ at (location). I handed the (item) in to an official of (department) on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_. If the rightful owner of (item) should establish a bona fide claim to the satisfaction of the (department), I undertake [to repay the reward to the (department) \*] either to return such item to the rightful owner or, if it has at that time been sold or otherwise disposed of, to pay the rightful owner a sum representing its true value at the time of sale or disposal.

\_\_\_\_\_ SIGNED BY THE FINDER

\_\_\_\_\_ WITNESSED BY AND FOR  
NICS HR

\* Delete as appropriate

## **RULES FOR CIVIL SERVANTS - PRIVATE OCCUPATIONS**

### **1. Types of private work which cannot be undertaken**

1.1 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.

1.2 In case of doubt, you should contact NICS HR Employee Relations for advice.

### **2. Additional rules to be applied to public sector work**

2.1 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 NICS HR Employee Relations.

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2.2 You can obtain this approval by accessing the HRConnect employee self-service function, expanding the personal data field, and completing the outside interests field. Click “add” to log your new secondary employment and make sure that you include “paid” or “unpaid” in the “Nature of Business” field along with your description of the work. This will generate an email alert to both your NICS HR and line manager. If NICS HR require further information they will contact you.

2.3 For staff who do not have access to HRConnect you should contact either your line manager or HRConnect to request the relevant form (RE-ERC 1.1C R2). You should complete this form and return it to HRConnect by email or post. HRConnect will update the outside interests field which will generate the alert outlined above.

2.4 It is important when engaging with NICS HR 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.

### **3. Absences from the workplace to undertake paid work in another public sector post**

3.1 Staff may choose to apply for unpaid leave to allow them to undertake paid work in another public sector post. Also, you should note that if the other public sector organisation requires public sector staff to take unpaid leave in order to be available for paid work, you must notify NICS HR Employee Relations and you should comply with this requirement. The provisions in paragraphs 3.2 to 3.4 below will not apply to such work.

3.2 You may use a portion of your personal leave allowance to undertake paid work in another public sector post. This portion is the difference between:

- a) your entitlement to paid holidays in accordance with HR policy 3.07 Annual Leave (including any annual leave carried over from the previous leave year) along with your Public and Privilege Holidays, see HR policy 3.06 ;  
**and**
- b) your statutory paid leave entitlement under the Working Time Regulations (see HR policy 3.11 Hours and Attendance). This is currently 5.6 weeks per year (equivalent to 28 days if you work 5 full days per week).

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#### Example

- A member of staff works full time and works 5 full days per week;
- Annual leave allowance is 6 weeks (30 days);
- No carry forward of annual leave from the previous leave year;
- Number of public and privilege holidays is 12 days;
- Statutory paid leave entitlement is 28 days.

#### Calculation

30 days annual leave	<b><u>Plus</u></b>	12 days public & privilege holidays	<b><u>Less</u></b>	28 days statutory paid leave	<b><u>Equals</u></b>	14 days
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In this example, the remaining balance of 14 days leave is the maximum number of days you may use to undertake paid work in another public sector body (including another Government Department).

3.3 You are responsible for calculating your personal limit and ensuring that you do not exceed this limit on using annual leave to undertake paid work in another public sector post and non-compliance may lead to disciplinary action being taken.

3.4 Staff may also make use of flexi leave up to a maximum of 2 days per flexi accounting period (pro rata for staff working alternative working patterns) to undertake paid work in another public sector post. This flexi leave is part of and not in addition to the existing flexi leave allowance. For further information on flexi leave see HR policy 3.10 Alternative Working Patterns.

3.5 There is no entitlement to the timing of leave for the purpose of undertaking other paid work and requests for annual leave, flexi leave or special leave will be considered in accordance with normal procedures and subject to business needs.

3.6 A limited number of circumstances allow staff to apply for and have special paid leave approved to undertake other public sector work which attracts a payment or fee. See HR policy 3.08 Special Leave for further information.

#### 4. Pensions Abatement

4.1 Staff who undertake work for another public sector body or Government Department, and who are considered to be an employee of 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

## **Standards of Conduct**

### **ANNEX 10 (Cont'd)**

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 at [www.dfpni.gov.uk/civilservicepensions-ni](http://www.dfpni.gov.uk/civilservicepensions-ni) for information on “abatement” and how any increase in pensionable pay can affect pension benefits.