

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 appointment after leaving the NI Civil Service you may have to apply for permission to do so – [Section 8 Rules on the Acceptance of Outside Appointments by Civil Servants](#)
- 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 should take care not to misuse or abuse Departmental internet and e-mail facilities - [Annex 9 Internet and email usage](#)

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, 6.07 Inefficiency Performance, 6.05 Equal Opportunities and Diversity (Dignity at work)

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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.

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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 your Establishment/Personnel Officer;
- 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 your Establishment/Personnel Division 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 your Establishment/Personnel Officer 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 workers in the

public sector (with some exceptions, for example those who work in the security services) as well as those in the private sector. The information in Annex 3 guides you as to how to disclose information on wrongdoing when this is in the public interest. It also offers guidance on how to complain to an Industrial Tribunal if you are dismissed, or suffer any other form of detriment, for doing so.

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 who wish to undertake any work (paid or unpaid) with another Government Department or other public body you must first obtain permission from your Establishment/Personnel Officer.

6.2 No remunerative private work of the following description may be undertaken:

- 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 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 is of such a scale as to 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 the your position as a public servant and may expose you or your Department to public criticism.

6.3 In case of doubt, you should report all the circumstances to your Establishment/Personnel Branch or Head of Department as appropriate.

7 Membership of Organisations (Non-Political)

7.1 If you are an office-holder in, or member of, an organisation which has dealings with the Government Departments in which you are employed you should consider carefully whether there is any possibility that your connection with the organisation may appear to conflict with your duty to be impartial in all your dealings as a Civil Servant.

7.2 If you are in doubt about your position you should consult your Establishment/Personnel Branch who will advise you whether, in the view of your employing Department, there is or is likely to appear to be, a conflict of interest and, if so, on the action which you should take. In giving this advice, the Establishment/Personnel Branch's intention 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.

8 Rules on the Acceptance of Outside Appointments by Civil Servants

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 appointment. It is equally important that when a former Civil Servant takes up an outside appointment there should be no cause for any suspicion of impropriety. The rules provide for waiting periods and behavioural conditions to be applied to appointments 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 appointments by Civil Servants are detailed in the following annexes:

Annex 4 - Rules on the Acceptance of Outside Appointments by Civil Servants.

Annex 5 - Model Application Form and Covering Letter.

Annex 6 - Guidance for Departments on the Rules on the Acceptance of Outside Appointments by Civil Servants.

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 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 the departmental Establishment/Personnel Office whether or not the gift should be accepted. He/she 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 and Personnel (Central Finance Group) 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 the departmental Establishment/Personnel Officer;
- 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 If there is any doubt about the disposal of a gift, the Establishment/Personnel Officer should consult the Department of Finance and Personnel's Central Personnel Group.

10.8 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.

10.9 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 the departmental Establishment/Personnel Officer.

10.10 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.

10.11 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.

10.12 The preceding paragraphs relate to how you as a Civil Servant should behave in regard to the acceptance of gifts, hospitality and rewards. Irrespective of that, it is an offence under the Prevention of Corruption Act 1916 for you as an officer corruptly to accept any gift or consideration as an inducement or reward for:

- a. doing, or refraining from doing, anything in your official capacity; or
- b. showing favour or disfavour to any person in your official capacity.

10.13 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.

10.14 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 your Establishment/Personnel Officer. 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, 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 and Personnel. The Principal Director of Patents of the Ministry of 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 and Personnel, 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 your Establishment/Personnel Officer. 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 Data Protection Act 1998. 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. Personnel Branches of Departments 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, 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 “Restricted” information;
- 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; and
- e. the activity should not conflict with the interests of Departments or bring the good name of Departments or the NICS generally, into disrepute.

17.3 Further guidance will be provided by the departmental Establishment Officers or Central personnel Group.

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 your Establishment/Personnel Officer.

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 your Departmental HR. 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 the Establishment/Personnel/Premises Officer in the department concerned. 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 your Establishment/Personnel Officer 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 and Personnel 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 and Personnel

29.1 You should not write or telephone the Department of Finance and Personnel directly on matters affecting your salary or conditions of service. In the first instance, you should seek advice from your line management. Following that, the Establishment/Personnel Division of your own Department 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/Establishment Officer 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/Establishment/Personnel Officer 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 your Establishment/Personnel Officer (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 your Establishment/Personnel Officer 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, (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 at Annex 9.

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 Establishment/Personnel Division. 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 and Personnel;
 - 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

2.1 Integrity

2.1.1 You must:

- a) fulfill your duties and obligations responsibly;
- b) always act in a way that is professionalⁱ, 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:

- a) 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;
- b) accept gifts or hospitality or receive other benefits from anyone which might reasonably be seen to compromise your personal judgement or integrity; or
- c) disclose official information without authority. This duty continues to apply after you leave the Civil Service.

2.2 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.

2.3 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.

2.4 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.

2.5 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 your department's nominated officers who have 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 management chain; alternatively you may wish to seek

advice from your 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 proceduresⁱⁱ, 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 Irelandⁱⁱⁱ. The Commissioners will also consider taking a complaint direct. Their address is:

Office of the Civil Service Commissioners for Northern Ireland
5th Floor
Windsor House
Bedford Street
Belfast BT2 7SR
Email: ocsc@nics.gov.uk

- 3.5 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.
- 3.6 This Code is part of the contractual relationship^{iv} 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.

ⁱ Including taking account of ethical standards governing particular professions.

ⁱⁱ The Whistleblowing legislation (the Public Interest Disclosure Act 1998) may also apply in some circumstances. The Standards of Conduct Policy of the NICS Staff Handbook gives more information.

ⁱⁱⁱ The Civil Service Commissioners' Appeals leaflet gives more information: www.nicscommissioners.org. This Code does not cover HR management issues.

^{iv} The NICS HR Handbook outlines contractual responsibilities for Northern Ireland Civil Servants.

Procedures for Reporting Matters under the Code of Ethics

- 1 The procedures will cover cases where a Civil Servant believes he/she is 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 he or she becomes aware of other breaches of the Code of Ethics or is required to act in a way which, for him/her, raises a fundamental issue of conscience.
- 2 While many complaints will be raised through the management line, there should also be a nominated officer or officers (the Investigating Officer(s)), who can be approached in confidence in the first instance. The Officer will be nominated by the Department, but will normally be at Grade 5 level or above. Internal resolution procedures will normally involve the Establishment/Personnel Officer.
- 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 Department of Finance and Personnel 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 he/she is being, or has 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, he/she - 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 his/her 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 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 his/her concern, he/she may report the matter in writing to the Civil Service Commissioners for Northern Ireland.

Public Interest Disclosure (“Whistleblowing”)

1 Introduction

1.1 This annex provides guidance on the disclosure of information when this is in the public interest. The guidance enables civil servants who report wrongdoing (often referred to as “**whistleblowing**”) to complain to an Employment Tribunal if they are dismissed or suffer from any other form of detriment for doing so.

2 Principles

2.1 Although only employees can complain of unfair dismissal, other workers who are not employees can complain that they had been subjected to a detriment – for example if their contracts are terminated because they had made a protected disclosure. The legislation in place covers workers in the public sector (with some exceptions, for example those who work in the security services) as well as the private sector. Insofar as Northern Ireland Civil Servants are concerned, the legislation in place must be considered in conjunction with this guidance and the NICS Code of Ethics (Annex 1 above); and any departmental/agency guidance or procedures for raising concerns about possible wrongdoing. Such guidance is normally drawn up after consultation with the Trade Union Side of the Central Whitley Council and representatives of the Industrial Trades Unions.

3 Protected Disclosures

3.1 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;
- b. a failure to comply with legal obligation;
- c. a miscarriage of justice;
- d. the endangering of an individual’s health and safety;
- e. damage to the environment; and

- f. deliberate concealment of information tending to show any of the above.

4 Protection Given by Legislation

4.1 A qualifying disclosure will be protected if it is made:

- a. in good faith 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. in good faith 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 1999 No. 401 (“a prescribed person”), for example the Health and Safety Executive for Northern Ireland.

4.2 In the last case the worker must make the disclosure in good faith, reasonably believe that the information and any allegation in it are substantially true, and reasonably believe that the matter falls within the description of matters for which the person has been prescribed.

4.3 Qualifying disclosures will also be protected if they are made other than described in paragraph 1.3.1 (a-d), provided the individual makes the disclosure in good faith, reasonably believes that the information and any allegation contained in it are substantially true, and does not act for personal gain. One or more of the following conditions must apply:

- a. the worker reasonably believed that he or she would be victimised if he or she 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.

Standards of Conduct

ANNEX 3 (Cont'd)

4.4 In determining whether it is reasonable for the worker to make the disclosure, 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.

4.5 A disclosure made about an exceptionally serious failure, other than described in 1.3.1 (a-d) above, will be protected if the individual makes the disclosure in good faith, reasonably believes that the information disclosed and any allegation contained in it are substantially true and 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 Procedure if Wrongdoing is Suspected

5.1 The Northern Ireland Civil Service Code of Ethics advises that individuals should report any actions that are inconsistent with its provisions. Specific departmental/agency guidance on the procedures to follow is available from Departmental HR and Corporate Centre.

5.2 If, for whatever reason, an individual does not want to make a formal report under the Code of Ethics, he/she may raise their concerns in accordance with procedures (including anti-fraud reporting procedures) provided by their department/agency. The individual will not be penalised in any way for raising genuine concerns in accordance with departmental/agency procedures, or in accordance with the procedures for reporting under the Code of Ethics Guidance that a civil servant will not be penalised for raising genuine concerns in accordance with the procedures.

Standards of Conduct

ANNEX 3 (Cont'd)

5.3 If an individual is unhappy with the response that they receive, he/she may report the matter in writing to the Civil Service Commissioners for Northern Ireland (paragraph 12 of the Northern Ireland Civil Service Code of Ethics).

6 Is There Protection if a Disclosure is Made Prior to Using Internal Procedures?

6.1 Only the individual can make this judgement, and in doing so they will need to consider the preceding paragraphs carefully. It is preferable – and this goes to the heart of the Public Interest Disclosure Order – to raise matters internally if appropriate and practical. It is after all in the interests of the NICS and its members that issues and concerns are aired in this way. If there is any doubt individuals should speak to a senior officer, or their Personnel/Establishment Officer. Any discussion will be treated in the strictest confidence.

Standards of Conduct

ANNEX 3 (Cont'd)

Code of Ethics/Public Interest Disclosure Order

Departmental and Agency Nominated Officers

Department	Job Title	Grade	Official Address	Telephone Number
DARD	Head of Personnel	5	Dundonald House Upper Newtownards Road BELFAST BT4 3SB	90524287
	Chief Executive Forest Service	5	As above	90524463
	Chief Executive Rivers Agency	5	Hydebank 4 Hospital Road BELFAST BT8 8JL	90523440
DCAL	Deputy Secretary	3	Interpoint 20-24 York Street BELFAST BT15 1AQ	90254241
DE	Head of Corporate Services Division	5	Tower Block Rathgael House 43 Balloo Road BANGOR Co Down BT19 7PR	91279325
DEL	Director of Personnel	5	Adelaide House 39/49 Adelaide Street BELFAST BT2 8FD	90257769
DETI	Director of Personnel	5	Room 96 Netherleigh Massey Avenue BELFAST BT4 2JP	90529402

Standards of Conduct

ANNEX 3 (Cont'd)

Department	Job Title	Grade	Official Address	Telephone Number
DOE	Director of Corporate Services	5	Clarence Court Adelaide Street BELFAST BT2 8GB	90540820
DFP	Director of Personnel	5	Rathgael House 43 Balloo Road BANGOR Co Down BT19 7PR	91858265
DHSSPS	Director of Personnel & Corporate Services	5	Annex 3 Castle Buildings Stormont Estate BELFAST BT4 3SG	90522825
DRD	Director of Personnel	5	Room 5.22 Clarence Court 10-18 Adelaide St BELFAST BT2 8GB	90541070
DSD SSA CSA	Director of Personnel	5	5 th Floor Lighthouse Building 1 Cromac Place Gasworks Business Park Ormeau Road BELFAST BT7 2JB	90569136
OFMDFM	Director of Corporate Services	5	Block E Castle Buildings Stormont Estate BELFAST BT4 3SG	90528153

Standards of Conduct

ANNEX 3 (Cont'd)

Department	Job Title	Grade	Official Address	Telephone Number
NIO	Director of Personnel (For Code of Ethics)	5	Personnel Services Division Hillview Buildings Stormont Estate BELFAST BT4 3SG	90528500
	Chris McCabe	(For PIDO)	Chris.mccabe@nio.x.gsi.gov.uk	90443910
	Elaine Wilkinson		Elaine.Wilkinson@nio.x.gsi.gov.uk	9054400

Rules on the Acceptance of Outside Appointments by Civil Servants

1 Introduction

1.1 The rules provide for the scrutiny of appointments which former Civil Servants propose to take up in the first two years after they leave the Service. To provide an independent element in the process of scrutiny, the Office of the Advisory Committee on Business Appointments (OCAOBA) is appointed by the Prime Minister, comprising of people with experience of the relationships between the Civil Service and the private sector. OCAOBA offers the NICS informal advice on applications at the most senior levels of staff. This function will be taken on by a Northern Ireland body in time. In the case of senior NICS staff on secondment to the Northern Ireland Office, the committee will still consider applications formally and provide advice to the Secretary of State for Northern Ireland. In such cases, the Secretary of State will advise the Prime Minister before giving approval.

1.2 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 suspicion 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 a particular firm might gain an improper advantage over its competitors by employing someone who, in the course of their official duties, has had access to technical or other information which those competitors might legitimately regard as their own trade secrets or to information relating to proposed developments in Government policy which may affect that firm or its competitors.

1.3 Most applications submitted under the rules should be approved without condition. In some cases approval may be given 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. Rather, it is an indication that an immediate move from the Civil Service to the employer, or one without conditions, might be open to criticism or misinterpretation. Experience has shown that employers generally are content to accept such constraints as being reasonable in an open society which places a high premium on the integrity and impartiality of its Civil Service.

2 Who Must Apply?

2.1 Within two years of leaving Civil Service employment and in the circumstances set out in the following paragraph, Civil Servants, must obtain Government approval before taking any form of full, part-time or fee-paid employment:

- a. in the United Kingdom; or
- b. overseas in a public or private company or in the service of a foreign government or its agencies.

3 Applications for Approval

3.1 Must be Made by Civil Servants:

- a. if they are in the Senior Civil Service or if they are Specialists or Special Advisers of equivalent standing; or
- b. if they have had any official dealings with their prospective employer during the last two years of Civil Service employment; or
- c. 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
- d. if they have had access to commercially sensitive information of competitors of their prospective employer in the course of their official duties; or
- e. if their official duties during the last two years of Civil Service employment 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
- f. if they are to be employed on a consultancy basis (either for a firm of consultants or as an independent or self-employed consultant) and they have had any dealings of a commercial nature with outside bodies or organisations in their last two years of Civil Service employment.

3.2 The Rules do not Apply to:

- a. unpaid appointments in non-commercial organisations;
- b. appointments in the gift of Ministers.

3.3 Approval is Required for:

- a. initial appointments; and
- b. any further appointment within two years of leaving Civil Service employment.

3.4 Staff on secondment from the Civil Service to other organisations are subject to the rules in the same way as other Civil Servants.

3.5 Staff on secondment to the Civil Service from other organisations are also subject to the rules in the same way as Civil Servants unless they return to their seconding organisation at the end of their secondment and remain there for two years.

4 Reporting Offers of Employment

4.1 If, under the rules, approval is required and an approach has been made from an outside employer, all members and former members of the NICS are required to report such approaches as follows:

- a. Heads of Departments: inform the Minister in charge of the Department;
- b. other members of the Senior Civil Service (or their equivalents): inform the Head of the Department or his or her deputy as appropriate; and
- c. other staff: inform a senior member of staff in the reporting chain.

4.2 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.

5 Applications

5.1 Departments must ensure that application forms are completed for all requests for approval for appointments under the 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

Standards of Conduct

ANNEX 4 (Cont'd)

- b. Departments must ensure that they seek the comments of a countersigning officer who can verify, as far as possible, the information supplied by the applicant.

5.2 Departments must adopt the Department of Finance and Personnel model form (Annex 5) for use by applicants.

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 or, where different, the final day in post, as appropriate.

6.2 Conditions may include:

- a. a waiting period before taking up the appointment;
- b. an absolute or qualified ban on the involvement of the applicant in dealings between the prospective employer and the Government;
- 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 Advisory Committee believes that the appointment is unsuitable, it may add advice to its recommendation that the application be subject to a waiting period of two years and that advice will be available for publication.

Standards of Conduct

ANNEX 4 (Cont'd)

6.3 In view of their access to policy issues at the highest levels, all applications from Permanent Secretaries and their direct equivalents which are referred to the Advisory Committee are subject to an automatic minimum waiting period of three months between leaving Civil Service employment and taking up an outside appointment, unless they have been appointed from outside the Civil Service on a limited-period contract. The Advisory Committee has the discretion to recommend waiving the minimum waiting period if, in the Committee's view, the appointment is one, which is entirely unconnected with the applicant's official knowledge and no questions of propriety arise. Although applicants serving on limited period contracts will not be required to serve the automatic waiting periods, approval of their applications may include the imposition of waiting periods or other conditions in the same way as other applications.

6.4 Appointments approved by the Secretary of State on the advice of the Advisory Committee on Business Appointments and which are subsequently taken up, may be the subject of a public announcement. Staff at those levels are required to confirm to their Department (or former Department) their intention to take up any appointment for which an application has been considered by the committee. The new employer may wish to include a reference to the Secretary of State's approval in its own announcement of the appointment, and applicants should discuss with the Department and the new employer the terms of any such statement; in other cases, the Government reserves the right to publish the terms of the Secretary of State's decision.

7 Procedures for Departments

7.1 Making Staff Aware of the Rules

7.1.1 While the Department of Finance and Personnel will draw the attention of staff to the existence of the rules in letters of appointment and in handbooks for new entrants, Departments are advised to:

- a. take special care to explain to staff recruited from outside the Civil Service (either on secondment or on a limited-period contract) their position under the rules on appointment;
- b. include a copy of the rules in departmental staff handbooks;
- c. require members of the Senior Civil Service when signing their contracts of employment, to acknowledge in writing that they have seen and are conversant with the rules - and ask them to provide a further, similar acknowledgement on retirement or resignation from the Civil Service or at the end of a period appointment; and
- d. remind all staff of the rules and issue the application form:

Standards of Conduct

ANNEX 4 (Cont'd)

- i. on retirement;
- ii. on resignation;
- iii. at the end of a limited-period appointment.

7.1.2 (In the case of staff who resign or come to the end of a limited-period appointment, this should normally take the form of providing them with a copy of the rules and an application form. The Department of Finance and Personnel model application form (Annex 5) incorporates the relevant extracts from the rules for this purpose).

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

8 Approval of Applications

8.1 Decisions on applications, other than those referred to the Secretary of State through the Advisory Committee and those by Special Advisers, rest with the Minister in charge of the Department after taking advice from the Department of Finance and Personnel (Central Personnel Group). The Minister may, however, approve arrangements under which defined categories of cases may be decided without reference of each case to him/her. Decisions on applications by Special Advisers taken at Departmental level are the responsibility of the permanent Head of the Department after taking advice from Central Personnel Group in the Department of Finance and Personnel as appropriate; the latter may consult the Head of the Northern Ireland Civil Service or refer the application to the Advisory Committee.

8.2 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 an appropriate Departmental officer if they so choose.

8.3 There may be occasions when a Minister decides that the national interest is the overriding consideration, regardless of the circumstances of the case. In all such cases, the normal procedures for dealing with applications must first be followed, including reference to the Advisory Committee where that is appropriate. A decision that the national interest should override other considerations may only be taken by the Minister in charge of the Department or, in the case of applications referred to the Advisory Committee, by the Secretary of State.

8.4 Departments must:

- a. inform prospective employers of any conditions which have been attached to the approval of an appointment;

Standards of Conduct

ANNEX 4 (Cont'd)

- b. make a careful record of all decisions to approve appointments under the rules, noting in particular any conditions that were applied;
- c. submit annual statistical returns, including nil returns, of applications dealt with under these rules to Central Personnel Group of the Department of Finance and Personnel in the form requested.

9 Procedures for Dealing with Applications

9.1 All Permanent Secretary Posts, Posts Reporting Directly to Permanent Secretaries, Heads of Department, Special Advisers and Specialists of Equivalent Standing.

9.1.1 Applications are normally approved by the Secretary of State on the advice of the Advisory Committee on Business Appointments (apart from those submitted by Special Advisers). All cases must be referred to the Department of Finance and Personnel which will refer them to the Advisory Committee unless the Head of the Northern Ireland Civil Service agrees that such reference would be inappropriate, for example, where the appointment is to a non-commercial body, such as a university. Applications from Special Advisers of equivalent standing will be approved by the Head of the Northern Ireland Civil Service on the advice of the Advisory Committee. Where cases are referred to the Advisory Committee, the Secretary of State will advise the Prime Minister before giving approval.

9.2 Other Heads of Department, Other Postholders in the Senior Civil Service, Specialists and Special Advisers of Equivalent Standing.

9.2.1 All applications must be referred to the Department of Finance and Personnel which will consult the Head of the Northern Ireland Civil Service.

9.3 Other Members of the Senior Civil Service, Specialists and Special Advisers of Equivalent Standing.

- 9.3.1 Departments must consult the Department of Finance and Personnel unless:
- a. the applicant has had no official dealings with the prospective employer at any time during his or her period of Civil Service employment and there appears to be no risk of criticism; or
 - b. the proposed employment is with a non-commercial organisation.

9.4 Staff Outside the Senior Civil Service

9.4.1 Departments do not need to consult the Department of Finance and Personnel where:

Standards of Conduct

ANNEX 4 (Cont'd)

- a. the applicant has had no official dealings with the prospective employer in the previous two years, or, at most, dealings of a casual nature; and
- b. there appears to be no risk of the disclosure of commercially sensitive information; or
- c. the proposed appointment is with a non-commercial organisation.

9.4.2 Departments may refer any application to the Department of Finance and Personnel for advice. Any application may be referred to the Advisory Committee if the Head of the NICS and the Departmental Minister so agree.

9.4.3 When referring cases to the Department of Finance and Personnel, 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.

9.4.4 Guidance for Departments preparing assessments of applications for submission to the Department of Finance and Personnel and considering applications for departmental approval is provided in Annex 5.

Application for Permission to Accept an Outside Appointment Following Retirement or Resignation from the Northern Ireland Civil Service

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 appointment. It is equally important that when a former Civil Servant takes up an outside appointment 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 appointments as set out in Annex 4.

3 You should complete Parts 1 and 2 of the form and return it to your Establishment/Personnel Branch, which will ensure that Part 3 is completed by the appropriate departmental 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 your Establishment/Personnel Officer.

Standards of Conduct

ANNEX 5 (Cont'd)

Part 1 *To be completed by the applicant*

1

Name (including any titles, decorations)

(Last) grade/job title Date of birth

Reasons for leaving the Civil Service (*please tick*)

Retirement Resignation Other (*give details*)

Address for correspondence: _____

 _____ Post Code

Daytime telephone number _____

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

3

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

Unit, Division or Establishment	Job Title	Dates		Rank/grade	Brief description of duties
		From	To		

RESTRICTED – STAFF (when completed)

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

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

If part-time, please state how much time is likely to be involved days per week/month/year
(*delete as appropriate*)

Will you be paid? (*please tick*)

Salary Retainer Fee Unpaid

Did you apply for an advertised post (*please tick*) Yes No

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

RESTRICTED - STAFF (when completed)

Standards of Conduct

ANNEX 5 (Cont'd)

15 Self-Employed/Freelance Consultancies

State nature of proposed consultancy work

Given 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.

16

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 and the Department?

Administered or monitored such contracts?

Advised professionally/technically on contracts before they were awarded?

Advised professionally/technically on contracts after they were awarded?

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

For each contract show:

Nature of contract(s)	Value*	Date awarded	Official immediately responsible for letting the contract

**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)

17 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

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.

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 your Personnel Division who will arrange for completion of Part 3 by the most appropriate Departmental Officer. If you have already left the Civil Service, the form should be sent to your former department's Establishment Officer

RESTRICTED - STAFF (when completed)

Standards of Conduct

ANNEX 5 (Cont'd)

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

PLEASE 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, however unjustified, that the applicant had been influenced in his or her 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 the appropriate Establishment/Personnel Officer.

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

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 he or she had in decisions affecting the prospective employer.

Standards of Conduct

ANNEX 5 (Cont'd)

3

Please refer to the applicant's answer at 7 of Part 2. If he or she had access to information which could be regarded as being commercially sensitive, in your view could competitors justifiably object to the appointment and what grounds, if any, would there be for overruling their objections?

RESTRICTED - STAFF (when completed)

4

Have you any reservations about his or her 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	<input type="text"/>
Name in Capitals	<input type="text"/>
Rank/Grade/Job Title	<input type="text"/>
Unit/Division/Establishment	<input type="text"/>
Telephone Number	<input type="text"/>
Date	<input type="text"/>

RESTRICTED - STAFF (when completed)

Guidance for Departments on the Rules Relating to the Acceptance of Outside Appointments by Civil Servants

1 General

1.1 The rules are designed primarily to counter any suspicion that an appointment 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 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 Government policy.

1.3 While appointments must not only be, but also be seen to be, wholly untinged by impropriety Departments must, however, take account of public perception and be prepared to defend an appointment which they are otherwise willing to approve when public concern about it can be shown to be unjustified.

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.

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 Government more widely, or took sole responsibility;
- b. whether the prospective employer benefited substantially from such dealings;

Standards of Conduct

ANNEX 6 (Cont'd)

- 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 him or her).

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

- a. at any time in the two years 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 9 below).

2.5 Departments must take into account the circumstances of an applicant's departure from his/her 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 the Government

3.1 The relationship of the prospective employer to the Government may be a relevant factor when considering applications. Departments are advised to pay special attention to appointments where the prospective employer:

- a. has a contractual relationship with the Department;
- b. is regulated by the Department;

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

4 Prospective Overseas Employers

4.1 The same considerations apply to foreign publicly owned institutions or companies as to their UK counterparts. If the prospective employer is a foreign government, Departments are advised to consider whether the applicant has information that would benefit that government to the detriment of HM Government or its allies. This can arise where the person:

- a. has been giving advice to HM Government on policies affecting the foreign government; or
- b. would have been in a position to gain special knowledge of HM Government's policies and intentions concerning the foreign government.

5 Government Policy or Business

5.1 Many Civil Servants deal with private interests on behalf of the Government. They have special knowledge of how the Government 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:

- 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 his or her former Department/Agency for commercial purposes.

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ANNEX 6 (Cont'd)

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 may be criticised on the grounds that the applicant had access to information about his or her 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 and Personnel 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 a consultancy basis (either for a firm of consultants or as an independent, self-employed consultant competing for commissions in the open market - a "brass plate" consultancy) 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 he or she is 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 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 Where an applicant wishes to set up a "brass plate" consultancy, the question of "rewards for past favours" does not arise in the usual way. But Departments will wish to keep in mind the need:

- a. to counter any suspicion of impropriety that may arise if such individuals were to be given lucrative contracts by clients with which they or their former Departments had dealings; and

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- b. to protect “trade secrets” to which such individuals may have had access. There may be circumstances in which it would be undesirable for an independent consultant to offer services to a particular client where he or she has had access to the trade secrets of a competitor of the client. The fact that the competitor may also have been free to use the same consultant, but did not choose to do so, would not make the information any less sensitive or negate the potential advantage that could be gained by the client.

7.4 When approving applications to set up “brass plate” consultancies, Departments will, therefore, need to consider carefully the imposition of conditions in cases where such considerations apply.

7.5 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.

8 Model Letter for Departments to Use When Consulting Competitors in Business Appointment 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 with [*name of competitor*], following his/her [*retirement/ resignation etc*] from the Service.

As you may know, Civil Servants who wish to take up an outside appointment within 2 years of leaving the Service may only do so after obtaining official permission in accordance with the rules on the acceptance of outside appointments. When an applicant may have had access to information about one or more of his/her 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.

I understand that in his/her recent appointment as [*post, name of officer*] may have had some dealings with your company. I should be glad to know whether you have any comments that you wish to make in respect of the conditions we may impose if the appointment is to be taken up. Those comments will be treated in confidence by this office at all times. I should be most grateful if any views you may have on the appointment could reach me within 2 weeks of the date of this letter.

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 Establishment/Personnel Branches.

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 his or her 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 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;or which is such that its unauthorised disclosure would be likely to have any of those effects;
- f. special investigation powers: information obtained:

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- 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 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:

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- 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 he or she is subject to Section 1(1) of the Act because his or her work is, or includes work, connected with the security and intelligence services, commits an offence if he or she discloses, without lawful authority, any information relating to security or intelligence which is or has been in his or her possession by virtue of his or her position as a member of the security or intelligence services or in the course of his or her 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 his or her position as such, has in his or her possession or under his or her control any document or article which it would be an offence under the Act to disclose without lawful authority, he or she commits an offence if he or she:

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

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9.2 A Civil Servant also commits an offence if he or she discloses 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.

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.

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 and 2;

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- 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 10 and 11, 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 6 to 9 and 11 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 10 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 11. 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:

- 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;

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- 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 8 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 9 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 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.

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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 6 and 7 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
- 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.

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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 their Establishment/Personnel Officer.

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 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;

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- 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.

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.

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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 their Establishment/Personnel Officer for prior permission. A Peer in the politically restricted group is barred by the provisions of paragraph 1c 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, 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.

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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.

Internet and Email Usage

1 Introduction

This Annex sets out the policy and provides guidance on the use of the internet and e-mail by Civil Servants. Internet and e-mail facilities can deliver significant business benefits and advantages when used appropriately and responsibly. However, careless or negligent use may waste resources and cause financial loss and damage to reputation. Also, misuse can lead to complaints or legal proceedings against NICS departments or individual members of staff. The rules are intended to protect the interests of the NICS, as well as the interests of users, and to ensure that individuals are not at risk of disciplinary action, criminal proceedings or civil action as a result of misunderstanding or a lack of guidance. The general principles and rules on such usage covering the staff in the Northern Ireland Civil Service (NICS) are set out below.

2. Principles

2.1 Many NICS staff use internet and e-mail facilities on departmental/agency Information and Communications Technology (ICT) resources on a daily basis. The rules in this Annex cover all such staff and, additionally, others given permission to use these facilities. These rules extend to the use of all other NICS ICT resources, where relevant. The rules also apply to the use of non-NICS equipment or facilities (including personal IT equipment at home or elsewhere) for the discharge of official business, for example, for work-related research or working from home. Any Civil Servant working under a homeworking arrangement who has NICS equipment installed in their home for official use will also be subject to the rules. The precise application of general principles of usage will vary with the circumstances of different Departments and may call for special rules for particular staff. Such rules are normally drawn up after consultation with the Trade Union Sides of the Central Whitley Council and the representatives of the Industrial Trades Unions. Disciplinary action against individual members of staff is the responsibility of employing Departments. The following general principles apply to all members of the NICS:

- a. individuals must not use non-NICS equipment or facilities for official business unless they have prior permission to do so;
- b. if such permission is granted they must ensure that such use does not compromise the security of official data or expose NICS systems or equipment to the risk of disruption from any source, such as a virus attack or unauthorised access;
- c. staff should seek advice, when necessary, about IT security matters via their usual departmental/agency IT contacts;

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- d. staff who use, or intend to use, NICS internet or e-mail facilities for any purpose are required to acknowledge, either in writing or electronically at log-in/sign-on, that they have read, understood and will adhere to, the NICS policy and any related departmental or agency policies;
- e. such undertakings should be renewed if the Internet and e-mail usage policies change;
- f. failure to comply with the requirements of the NICS policy, and all other relevant departmental/agency policies, may result in disciplinary action – including dismissal; and
- g. staff should be aware that e-mails are regarded as a form of publication and are discoverable as part of the official record.

3. Monitoring and Privacy

3.1 Staff should note that, as is permitted by legislation, NICS Departments will monitor and review Internet and e-mail activity, analyse usage patterns and may publish resultant data (traffic monitoring²).

3.2 Departments will also monitor the content of e-mails, files and the like as and when this is considered necessary in order to ensure the integrity of NICS systems and that users are complying with all the relevant usage policies and guidance (content monitoring³). Any attempt to disrupt Departmental monitoring amounts to misconduct and may result in disciplinary action.

3.3 Use will be routinely monitored from time to time, and may be specifically monitored at any time when this is deemed necessary for compliance or other reasons, including the prevention or detection of illegal activities.

3.4 Users of NICS ICT resources, including Internet and e-mail facilities, should be aware, and must accept as a condition of use, that their usage of such facilities might be monitored and should have no expectation of privacy whether use is for the conduct of official business or for personal use.

² Traffic monitoring: recording and analysing websites visited, the addresses to which e-mails are sent, file transfers into and out of departmental/agency networks etc – the equivalent of recording the duration and destination of telephone calls.

³ Content monitoring: looking at the actual content of e-mails, files etc. – the equivalent of recording and listening to the content of telephone calls.

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3.5 Departments reserve the right to inspect and examine any and all IT equipment (including personally owned equipment) used on or off official premises, used for the conduct of official business, or connected in any way to the NICS Network, in order to ensure compliance with NICS, departmental/agency Internet or e-mail usage policies. Therefore, users should clearly understand that if they bring into the workplace personal IT equipment of any nature, including laptop computers, or any other electronic or telecommunication device, any such equipment or ancillaries, and data held thereon, may be inspected at any time to ensure that they do not pose a risk to the NICS whether by way of virus infection, hacking software or the presence of improper, offensive or illegal material.

4. Access to Facilities

4.1 Departments may make Internet and e-mail facilities and other ICT resources available to staff for use in carrying out official duties. Access to the internet and e-mail may be made available to staff from desktop PCs. Access to the internet may also be made available to staff through shared Departmental facilities in libraries, resource centres etc.

4.2 Departments may prevent connection of certain machines (holding sensitive data or applications) to the Internet or restrict use of Internet features such as file transfers, and will bar access to sites identified as containing inappropriate material.

4.3 Departments are responsible for the issue of User IDs and/or passwords to maintain individual accountability for Internet and e-mail usage. Individuals will be held responsible for the security of IDs and passwords and, where appropriate, for the return of passcards on leaving a Department's employment.

4.4 Departments are responsible for ensuring that facilities provided for Internet and e-mail access meet all relevant health and safety legislation.

4.5 Users must respect the privacy and legitimate rights of others, just as would be appropriate in any other work activity.

4.6 Individuals will be held accountable for any misuse or breach of security, including confidentiality. Such misuse may lead to disciplinary action.

4.7 Where circumstances dictate, Departments will inform and co-operate with relevant legal enforcement bodies.

4.8 Access to Internet and e-mail facilities may be withdrawn at any time as a result of, or pending the outcome of, investigations into suspected misuse.

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5. General Responsibilities of Users

5.1 All the usual NICS rules relating to conduct and normal standards of behaviour apply just as much when using ICT facilities as at other times.

5.2 Users must at all times conduct themselves responsibly and honestly when accessing the Internet or when using e-mail facilities.

5.3 Individuals must ensure that their actions **do not:**

- a. waste time or resources;
- b. expose the NICS Network, or data held thereon, to the risk of corruption, loss or inadvertent disclosure;
- c. cause offence to colleagues or others;
- d. breach any law or statute; or
- e. otherwise bring the NICS into disrepute.

5.4 Unacceptable behaviour is just as serious an offence if made in the course of using ICT facilities as at any other time. Examples include:

- a. harassment or bullying;
- b. dissemination or display, for example, as a screen saver, of inappropriate material (see 4.5 below);
- c. offensive remarks or comments of a sexual, racial or sectarian nature; or
- d. offensive remarks or comments regarding sexual orientation, religious belief, political opinion, marital status, age, disability or dependents.

5.5 Inappropriate material may include, but is not limited to, any material of a pornographic, sexist, racist, sectarian, violent or offensive nature; whether in pictures, cartoons, words, sounds or moving images, whether or not purporting to be of a humorous nature. Staff should be aware that the decision as to what material is considered offensive can depend on the perception of the recipient and/or observer, rather than the intention of the sender.

5.6 Users should be aware that they might be personally liable to prosecution, and open to claims for damages, should their actions be found to be in breach of the law. In cases of harassment, a claim by a user that he/she had not intended to harass or cause offence will not in itself constitute an acceptable defence.

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5.7 Users should be aware that the possession of child pornography is a criminal offence. The NICS will fully co-operate with law enforcement authorities to identify and take action against any member of the NICS accessing, possessing or disseminating such material. Individuals found to have been involved in any way in access to or possession or dissemination of child pornography using NICS ICT systems will face serious disciplinary action with a high probability of dismissal irrespective of whether or not they are prosecuted or convicted under the criminal law.

5.8 Within this overall context users may (subject to the safeguards and conditions set out in this and any other relevant policy or guidance):

- a. use e-mail to communicate with colleagues, customers, suppliers and other interested parties in carrying out their Civil Service duties;
- b. use the Internet to research relevant and potentially relevant information resources in carrying out their duties. In doing so, users may glean relevant information from trusted third parties (including news sites), provided prior approval for such access has been granted by local management; and
- c. participate (subject to local management approval) in officially sanctioned newsgroups or chat rooms in the course of business relevant to their duties. When so doing, users must not (unless specifically authorised to do so) speak or write in any department/agency's name and must make it clear that their participation is as an individual speaking only for themselves. In any such use of Internet/e-mail facilities, users must identify themselves, with their own full name, honestly, accurately and completely. When participating in a chat forum or newsgroup users must:
 - i. refrain from political advocacy and from the unauthorised endorsement or appearance of endorsement of any commercial product or service;
 - ii. give due regard to maintaining the clarity, consistency and integrity of the NICS, departmental/agency corporate image and avoid making any inferences that may prove inappropriate from a departmental/agency or NICS perspective;

and must not:

- iii. reveal protectively marked information, customer data, or any other material covered by departmental/agency policies and procedures; and,
- iv. use departmental/agency Internet facilities or computing resources to violate **applicable** laws and regulations in any way or to compromise the security (including confidentiality) of departmental/agency data.

6. Essential Actions for Users

6.1 At all times users must:

- a. keep all passwords or user IDs confidential – the sharing of user IDs or passwords is prohibited; **any breach must be reported to the IT and Departmental Security Officers;**
- b. be alert to the risk of leaving an unattended machine logged on, which could lead to unauthorised use of their account and user ID;
- c. follow the security procedures approved for use with their system to ensure that any file downloaded from the Internet is scanned for viruses before it is accessed or run. Users who download such files, or who open attachments to e-mails, are responsible for ensuring that they are subjected to appropriate anti-virus scans (checking with the departmental/agency IT Security Officer as necessary);
- d. report immediately any indication of virus or other attack to ISU;
- e. report immediately to their line manager or, if appropriate, to the departmental/agency Head of Personnel, the receipt of inappropriate or offensive material delivered via e-mail;
- f. respect copyrights, software licensing rules and property rights, download only software with direct business use and do so in accordance with relevant departmental/agency policy; and
- g. as far as possible, schedule communication-intensive operations such as large file transfers, video downloads, mass e-mailings, etc. for off-peak times.

7. Prohibited User Actions

7.1 Users **must not:**

- a. arrange to auto-forward e-mails from their departmental/agency account to personal e-mail accounts, or from their personal e-mail account to departmental/agency accounts. E-mails received into a departmental/agency account may be forwarded once their contents have been vetted to ensure that the forwarding of the e-mails does not contravene guidance in respect of protectively marked material;

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- b. propagate any virus or programme designed to infiltrate a system (without the user's knowledge) to gather information (e.g. worm, Trojan horse) or other type of malicious program code;
- c. use any departmental/agency facilities to disable, overload, or gain unauthorised access to any computer system or network, or attempt to disable, defeat or circumvent firewalls or any departmental/agency ICT security facility intended to protect the privacy or security of systems, networks or users;
- d. forward, send or store e-mails or other files containing inappropriate material;
- e. knowingly connect to any Internet site that contains inappropriate material. When such a site is inadvertently accessed, users will immediately disconnect from the site, regardless of whether that site had been previously deemed acceptable by any screening or rating program. Such inadvertent connections must be reported immediately to the relevant departmental/agency Help Desk so that appropriate action to bar access to the site can be taken and to safeguard the individual in the event of any subsequent investigation;
- f. use any departmental/agency systems or facilities to commit infractions such as harassment, unauthorised public speaking, misappropriation of intellectual property or misuse of departmental/agency assets or resources;
- g. intentionally access, archive, store, distribute, edit, record or reproduce (on screen, hardcopy or via audio) any kind of inappropriate material (see 4.5 above) on any departmental/agency system;
- h. use departmental/agency facilities to download and/or forward non-business related software or data including music, graphics, videos, text, games, screensavers, wallpapers, entertainment or pirated software;
- i. use departmental/agency facilities to play Internet games, forward chain letters, or enter on-line competitions;
- j. use departmental/agency facilities to participate in chat rooms, forums or newsgroups unless this is for business purposes and has been approved by line management;
- k. upload any software licensed to a department/agency or data owned by a department/agency without the express authorisation of the manager responsible for the software or data;

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- l. transfer via the **Internet** (as opposed to the NICS **Intranet**) files containing **RESTRICTED** departmental/agency data unless the data is first encrypted using a product approved by the appropriate departmental/agency IT Security Officer. Files containing **RESTRICTED** material may be transferred via NICS Intranet. However, files containing departmental/agency data with a protective marking higher than **RESTRICTED** must **NOT** be transferred electronically (except where different departmental rules apply)
- m. remain connected to the Internet while not actively using the resource.
- n. use departmental/agency internet facilities to undertake unauthorised trading at work, whether buying or selling, through sites such as (but not limited to) e-bay. This amounts to misconduct and may be subject to disciplinary action. Trading is defined as any activity, buying or selling, connected with a commercial or business interest.

8. Other Roles and Responsibilities

8.1 Central Personnel Group (CPG) has responsibility for setting the policy through the usual consultation with Trade Union Side and other stakeholder interests.

8.2 Departmental Personnel Divisions have ownership and responsibility for the overall application of the policy within their Department. Personnel Divisions are also responsible for initiating action following any preliminary investigation of misuse as part of the disciplinary process and for any subsequent disciplinary action and imposition of penalties.

8.3 Heads of Division and Heads of Branches are responsible for the overall implementation of the policy within their area of responsibility.

8.4. Line managers have the responsibility to ensure that their staff meet their objectives and do not waste business time and/or resources. They are therefore in the best position to ensure that their staff comply with the Internet and E-Mail Usage policy by regularly monitoring their output and observing their behaviour. It is the line manager's specific responsibility to:

- Ensure that their staff are familiar with Internet and E-Mail Usage policy and sign any undertaking regarding usage.
- Monitor through normal supervision of work output their staff's usage of the internet and e-mail.

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- Initiate action regarding any abuse or misuse of the Internet and E-Mail Usage policy by discussing the matter with the individual concerned.
- Consult with Personnel on any actual or suspected misuse.

8.5. ISUs should provide and maintain monitoring software. All Departments should use the same software, where possible. ISUs are also best placed to carry out monitoring of internet access and e-mail usage and monitor specific accounts on request from Personnel, where there is suspicion of misuse.

8.6. No specific role is envisaged for Information Technology Security Officers (ITSOs) in applying the policy but they should be kept informed of any abuse or misuse where the security of Departmental systems could be in jeopardy.

8.7. No specific role is envisaged for Departmental and Assistant Departmental Security Officers (DSOs/ADSOs) but they may be able to assist with investigations.

9. Disciplinary Action

9.1 Any breach of the NICS Internet and e-mail Usage Policy will be treated as a matter of misconduct and will be dealt with under the normal Disciplinary Procedure. The nature of any penalty should be proportionate to the seriousness of the offence and each individual case should be treated on its merits.

9.2 There will be clear benefits in applying a consistent approach to any such offence both within the NICS as a whole and within individual Departments. When considering the appropriate disciplinary action in each case of misuse Departments should take into account the following factors:

- The nature and circumstances of the offence
- The extent of misuse
- The extent of time wasted
- The nature of material involved
- The grade and experience of the individuals involved
- History of any previous breaches of the policy by the offender
- Whether the misuse involves any unlawful activity
- Action in previous cases of similar offences
- Mitigating factors
- The level of culpability of the offender
- The extent to which the individual has engaged in and commissioned action by others.

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9.3. Certain activities are likely to result in dismissal, such as:

- a. deliberately accessing, possessing or disseminating pornography or other offensive material, including material that could incite violence or reflect/promote hatred;
- b. serious harassment or bullying via e-mail;
- c. deliberate propagation of any virus or otherwise interfering with the integrity of NICS systems; or
- d. the possession or use of hacking software on official premises.

10. Personal Use of ICT Facilities

10.1 Personal use is defined as any use of Internet or e-mail facilities that does not relate directly to a requirement of the officer's official duties. Thus accessing a site for research purposes, for example researching social security policy or employment law developments, is official use only if such access is necessary as part of the officer's work. Accessing such data for reasons not related directly to a requirement of the officer's work would be classed as personal use of the information.

10.2 Any access or use which is unrelated to official duties, for example, accessing general news sites, travel information, personal banking, sending or receiving personal e-mails and so on, would be classed as personal use.

10.3 Use of official facilities for personal use will be permitted, providing that such use:

- complies with the requirements of Sections 4-6;
- does not compromise the security of official data, result in increased costs or delays or have any negative impact on the NICS Network or on the effective discharge of official business;
- does not result in personal commercial gain.

10.4 Use of official internet and e-mail facilities for personal use will be restricted to an individual's own time during non-working hours at lunch breaks and before and after work.

10.5. The facility for personal use is granted at the discretion of management and may be withdrawn or refused at any time for operational reasons, or if misuse is suspected or detected. It is not necessary for permission to be sought again once it is granted for a particular personal use.

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10.6 Users are reminded that **all** Internet and e-mail use is subject to monitoring. Such monitoring does not differentiate between official and personal use. Users should therefore ensure that anyone who may send personal e-mails, or other material, to their official e-mail address is aware that the content of such e-mails may be monitored. Use of the NICS facilities for personal use will be deemed as acceptance that usage, and content, will be monitored.

10.7 Subject to departmental/agency policies in relation to personal use, users may in their **own time**:

- a. use Internet access for personal research;
- b. use the Internet for the occasional purchase of goods and services, for example, books, flights, CDs, and so on, provided payment is made by the individual, and delivery of items purchased is to a private address. This excludes trading as defined in paragraph 1.20, Private Trading, in the Conduct Section. The user must not create any contractual liability on the part of the NICS. The NICS does not accept any responsibility for the security of credit card details, or any other payment method used. Nor does the NICS accept any liability for financial loss, whether as a result of fraud or otherwise, suffered while using NICS systems for personal transactions. All such use is entirely at the individual's own risk;
- c. make occasional use of departmental/agency facilities for on-line banking. All such use will be at the individual's own risk – Departments cannot accept any liability for losses or for any other liabilities arising out of such transactions, howsoever caused; and,
- d. make occasional use of departmental/agency e-mail accounts set up on their behalf, to send, forward or receive personal e-mails – subject to the conditions for using e-mail facilities set out above (paragraph 4.8) e-mails must be clearly marked as such. It is an explicit condition of using this facility that users accept that the content of such e-mails may be accessed, by management and/or IT staff, without notice or any requirement for further consent. While it is not intended to undertake routine monitoring of the contents of e-mails (personal or otherwise), e-mail traffic may be accessed at any time either as a result of checking an officer's e-mail account for business reasons if they are absent from work, or as part of an exercise to monitor compliance with Internet and e-mail usage policy.

10.8 Users must not make excessive use of any of the above facilities to the detriment of their official duties.

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10.9 Users **must not:**

- a. use departmental/agency Internet or e-mail facilities to carry out any activities for personal gain including, for example, share dealing or monitoring, investment portfolio management, trading, gambling or entering on-line competitions; or
- b. set up a personal e-mail account using departmental/agency resources unless prior approval to do so has been given by the Head of ISU; or
- c. knowingly connect to any Internet site that contains inappropriate material as defined at Paragraph 4.5.

11. Copyright and Similar Issues

11.1 Departments will, where it is deemed appropriate:-

- a. retain the copyright to any departmental/agency material posted on any forum, newsgroup, chat room or World Wide Web page by users in the course of their duties; and,

assume ownership of any legitimate software or files downloaded via the Internet on to departmental/agency networks. Any such files or software may be used only in ways that are consistent with their related licenses and/or copyrights

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
PERSONNEL DIVISION,
DEPARTMENT

* Delete as appropriate