

Conduct and Security

1. Introduction

This Procedure supports the principles detailed in [HR Policy – Conduct and Security](#), which set out the requirement for you to be, and be seen to be, honest and impartial in the exercise of your official duties and not to allow your judgement or integrity to be compromised.

This Procedure provides detailed guidance on a wide range of matters relating to conduct and security and therefore, to help you navigate through the document, the structure is as follows:

[2. Use of official information](#)

[3. Private financial interests and shareholdings](#)

[4. Outside occupations and business / private interests](#)

[5. Business Appointment Rules](#)

[6. Engaging in political activities](#)

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2. Use of official information

You must exercise care in handling information that comes into your possession in the course of your official duties.

Current and former FC employees must abide by the requirements set out in criminal law, which protect certain categories of information. They must also abide by Acts of Parliament, which create criminal sanctions for the unlawful disclosure or retention of certain categories of information. This includes the Official Secrets Act 1989 – for more information, please refer to [Appendix 1](#).

Regardless of the legal position, you must not disclose or retain official information without relevant authorisation, where the information:

- has been communicated in confidence within Government, including Ministers and civil servants; or

- has been received in confidence from others, including a member of the public or an organisation.

Breaches of information security can affect the FC's commercial performance, cause embarrassment to Ministers and break the law. You therefore have a responsibility to ensure that information is protected at all times.

2.1 Guidelines for the use of official information

You must abide by the following rules in relation to the use of official information and experience, whether acting in an official or private capacity:

- Before disclosing official information, you must satisfy yourself that the information does not fall within the restricted categories specified in [Section 2](#).
- You must not take part in any activities or make any public statements, which might involve the disclosure of official information or draw upon your official experience, without prior approval from the FC. You must obtain permission in advance of publishing, broadcasting or publicly discussing any material that draws on official information or experience.
- You must not publish or broadcast personal memoirs reflecting your experience in Government, or enter into any commitment to do so, whilst employed by the FC. After leaving the FC, you must seek the permission of your Country Director or Director, Central Services, as appropriate, before entering into any commitment to publish personal memoirs.
- You must not seek to frustrate the policies or decisions of Ministers by using or disclosing, outside Government, any information that you have had access to through your official duties.
- You must maintain the established practice whereby a new Government, including a devolved Government, does not normally have access to papers of a previous Government with different political views. In particular, this applies to Ministers' own deliberations and the advice given to them by officials, other than written advice from the law officers and those papers published or made publicly available by the previous Government.
- You must not make public statements or remarks regarding officials, Ministers, individuals or public or private organisations that the FC could find objectionable.
- You must not take part in surveys or research projects in your official capacity, even anonymously, if they relate to attitudes or opinions on political matters or matters of policy.
- You must not take part in activities, including discussion of matters of current or political controversy, which:
 - conflict with the interests of the FC;
 - bring the FC or wider Civil Service into disrepute; or
 - bring into question the impartiality of the FC or wider Civil Service.

If you are in any doubt about the application of these rules to particular activities or situations, you should consult a member of the Senior Staff Group.

2.1.1 Cabinet Office guidance

Cabinet Office have specific guidance on handling official information, the importance of using authorised procedures for disclosing information and how to raise any concerns. It also details how the FC should deal with the unauthorised disclosure of official information by a civil servant. For more information, please refer to [Section 2.14](#) and Cabinet Office guidance on [Official information: standards of conduct and procedures](#).

2.2 Information security

You must protect information at all times, in order to meet the needs of the FC and comply with legislation, including:

- Computer Misuse Act 1990 – for more information, please refer to [Section 2.3](#);
- Copyright, Design and Patents Act 1988 – for more information, please refer to [Section 2.4](#); and
- Data Protection Act 1998 – for more information, please refer to [Section 2.6](#).

You may be prosecuted if you do not comply with legal requirements or, as a line manager, you condone non-compliance. You must also ensure that you are aware of the FC's computer security requirements and that you do not create any weakness to system security, either accidentally or deliberately. For more information, please refer to the relevant pages of e-Connect for [Information Services](#) and [Corporate and Forestry Support](#).

2.3 Computer misuse

You must ensure you are aware of the systems you are authorised to use. Under the Computer Misuse Act 1990, you must not:

- use any systems that you do not have formal authority to use, whether or not you intend to commit or assist the commission of an offence under the Act;
- gain, or attempt to gain, access to a program or data held on a computer that you do not have formal authority to use, whether or not you intend to commit or assist the commission of an offence under the Act; or
- knowingly making an unauthorised change that impairs the operation of a computer, reduces access to a program or data or impairs the operation of a program or the integrity of data.

For more information on your other responsibilities as a FC employee under the Computer Misuse Act 1990, please refer to [Security Guide No.1 – Information Security: What you must do](#), Section 5.

2.4 Copyright, design and patents

The FC will only use material for which it has paid the appropriate fees for each copy in use and will comply with the licence conditions at all times. Any breach of the Copyright, Design and Patents Act 1988 could damage the reputation of the FC, affect its ability to operate and have financial consequences.

If you infringe copyright and use material without the copyright owner's permission, the owner of the material can seek civil damages and has the right to seek to recover the copyright items. It is also a criminal offence for you to sell, hire, distribute or possess material, with the aim of infringing copyright for reward.

For more information on your responsibilities as a FC employee under the Copyright, Design and Patents Act 1988, please refer to [Security Guide No.1 – Information Security: What you must do](#), Section 4.

2.5 Protecting official information

You must only provide access to information to those who need it. The Government and Civil Service use a protective marking system to determine and indicate the level of protection required. You must follow the guidance in [Security Guide 2: Protective Marking - A Guide for Staff](#), which details the operation of protective marking within the FC.

2.6 Data protection

The Data Protection Act 1998 establishes a framework of rights and duties, designed to safeguard personal data. If you handle personal data, you must comply with the Act and, in particular, you must handle the personal data in accordance with the data protection principles.

Further information on the Data Protection Act 1998, including the definition of personal data and details of the data protection principles, is available within [The Guide to Data Protection](#), produced by the Office of the Information Commissioner.

You may be prosecuted under the Act if you knowingly or recklessly obtain, disclose or transfer data for purposes not covered by the FC's registration with the Information Commissioner or give the Registrar false or misleading information. Both you and the FC may be liable for compensation for damage or distress suffered as a result of a breach of the Act. In the event that you are prosecuted for a criminal offence whilst

working within FC policy, the FC will normally provide legal representation at public expense.

For guidance on your and the FC's obligations under the Data Protection Act 1998, including handling requests for information, and the Government's requirements for storing personal information, please refer to [Security Guide No.1 – Information Security: What you must do](#), Section 3 or contact the [Head of IS Security & Risk Management](#).

2.7 Freedom of Information

The Freedom of Information Act 2000 provides a general right of access to all types of information held by public authorities, whether personal or non-personal. The FC has a legal obligation to provide such information through an approved publication scheme and respond to requests for information.

You are expected to ensure that the FC would not be embarrassed by the disclosure of any information it holds. Information may include copies of emails, correspondence, file notes, complete files, data or documents held on computer or any other document or information, regardless of when it was created.

For guidance on your and the FC's obligations under the Freedom of Information Act 2000, including the implications for the way we store, retrieve and release information, and advice on handling requests for information under the Act, please contact the [Corporate Governance Manager](#).

2.8 Broadcasts and interviews with the media

It is mainly Government Ministers who communicate with the media, to explain and substantiate Government policy and actions. Therefore, when the FC deals with the media, its actions must reflect the fact that it does so on behalf of Ministers.

It is the role of the relevant Head of the Communications Division or Branch to advise their Ministers, Country Director / Director, Central Services on the co-ordinated communication of the FC's policies, and for the relevant Communications Division or Branch to liaise with the media. However, contact with the media may be part of the duties of other FC employees, especially more senior employees, who may be required to:

- explain what the Government's policy is;
- give factual background and explain issues; and
- discuss the considerations which led to policy decisions.

The relevant Communications Division or Branch will give detailed guidance to FC employees who have to deal with the media or public relations, whether on a regular or occasional basis, and help them prepare.

Contact with journalists requires the highest possible standards of honesty and integrity and is covered by:

- the general principles of conduct in relation to the use of official information as set out in this procedure;
- [HR Policy – Conduct and Security](#); and
- [HR Policy – Civil Service Code](#).

Unless it is practically impossible, you must consult the Head of the Communications or Press Office for your area of the FC, before you talk to, or accept an invitation to brief, a journalist. They may be aware of relevant considerations that you are not, for example a journalist planning to speak with more than one FC employee or with other Government Departments.

Discussions with journalists are best held on FC premises, with a member of the Press Office for your area of the FC present, where possible. It may be appropriate to accept an occasional invitation to a meeting over lunch but you must consult the Communications Division or Branch for your area of the FC first. In any case, where a member of the Press Office for your area of the FC is not present, you must give them a full account of any briefing you give to a journalist.

Specific Ministerial authority must be sought for any significant pre-arranged discussions between an FC employee and a journalist. It is not appropriate for FC employees to be involved in broadcast discussions on subjects that are politically controversial or in any unrehearsed or unscripted debates.

2.8.1 Official FC communication with the media

Whilst much of the FC's work has an external focus and there is no desire to be unreasonably secretive, a substantial part of the FC's work:

- is commercially confidential;
- relates to Ministers' decisions on policy; or
- involves information that is given to the FC in confidence.

You should therefore exercise caution when dealing with journalists, in an official or private capacity, especially if you have little experience in the field concerned or your work does not involve regular dealings with the media.

If you are approached by a journalist, either in your official or private capacity, you should note the details of the enquiry and, where appropriate, explain that you will arrange for an appropriate person to return the call. You must tell your line manager and the Communications Division or Branch for your area of the FC and follow their advice.

Informal chats or personal or social relationships with journalists have obvious pitfalls. Specifically, you should:

- hold any discussion of official matters on a formal basis;
- be careful that informality or apparent confidentiality does not lead to the disclosure of official information that would not otherwise be available, especially in respect of information which is held by the FC on trust and is not its own to disclose; and
- be particularly careful that the acceptance of hospitality does not give rise to a feeling of obligation. For more information, please refer to [HR Policy and HR Procedure – Gifts and Hospitality](#).

Further guidance on interviews with the media is available at [Appendix 2](#).

Different considerations apply to senior FC employees travelling abroad in a representative role, when approached by either the local media or overseas representatives of the UK media. In these circumstances, you should tailor this guidance to the specific circumstances, seeking advice from the Embassy or High Commission, wherever possible and appropriate. You should also inform and consult with the Communications Division or Branch for your area of the FC.

2.8.2 Payment for interviews

It is unusual for payment to be offered for interviews with the media. However, if you are involved in dealings with the media that require a considerable amount of time and effort, you should consider whether:

- it may be more appropriate for a Minister to give an interview; and
- if not, it may be appropriate for a charge to be made for your contribution.

You should consult the Communications Division or Branch for your area of the FC for guidance, in advance of entering into any such arrangement.

2.8.3 Giving an interview in a personal capacity

You do not need the FC's permission to give interviews in a personal capacity, providing that:

- the interview has no bearing on any official matter, whether in your own or another area of responsibility, either within or outwith the FC;
- the subject is not one of current or potential political controversy; and
- no mention is made of your official position.

You should consider that the media can extend the scope of an interview without warning, particularly if they think that you can add to a story or issue. If the interviewer tries to do this, you should explain that the subject is outside the agreed scope of the interview.

You should not accept any invitation for interview by a newspaper or similar, in your private capacity, on matters involving the use of official information, knowledge or experience. You must refer any such request to the Communications Division or Branch for your area of the FC.

2.9 Publications

You must get prior permission from a member of the Senior Staff Group before undertaking any private work that is to be published and involves the use of official information or experience, including submitting any written text for approval before it is used.

Where you are working on the publication in your personal time, payment may be appropriate, however you should not negotiate or commit yourself until the FC has given permission for the publication to proceed.

2.10 Giving lectures, making speeches and attending conferences

If you receive an invite to speak at a conference or seminar organised by an outside organisation, about a subject involving the use of official information and experience, and you are in any doubt about the appropriateness of your participation, you must seek the advice of a member of the Senior Staff Group before accepting.

Where you accept the invitation, you must make it clear to the sponsoring organisation that the Crown retains copyright of any representation of your speech or presentation.

2.10.1 Payment for lectures, speeches and conferences

The decision to charge a fee for giving a lecture, making a speech or attending a conference should be decided on a case-by-case basis by a member of the Senior Staff Group. They may decide not to charge a fee where you are:

- participating in an event arranged by a large organisation for their employees;

- attending a conference arranged by an organisation where the organisers charge participants a fee to cover their costs;
- participating in an event that a commercial organisation, such as an accountancy or law firm, arranges as a free service to its clients, covering matters on which the FC would otherwise have been organising its own event;
- giving a speech at a social function or where you are standing in for a Minister; or
- participating in a panel where it is in the interests of the FC to have a representative present and little or no preparation is required.

Where possible, you should claim for your travel and expenses from the arranging organisation, subject to a minimum limit of £5.00.

If there is no overriding reason to waive a fee, then you should negotiate an appropriate fee. This may be relevant where, for example, the organisers of the event charge participants a fee with a view to making a profit.

Where the organisers offer a fee, you may accept this, together with travel and expenses. However, you must use your discretion in relation to the level of fee that you accept, considering whether the event organisers initiated the invitation and the value to the FC of conveying its message to a particular audience. Where the event is of little benefit to the FC, apart from ensuring that Government policy is explained more accurately than by someone outwith the FC, a fee should be sought to cover all your time and any other expenses.

Where a fee is appropriate, you should not accept any offer of a non-financial gift as payment in lieu. Regardless of whether a fee is chargeable, occasionally you may be offered a personal gift as a token of thanks for your participation. In these circumstances, please refer to [HR Policy and HR Procedure – Gifts and Hospitality](#) for guidance.

2.11 Outside surveys

You may be approached by an organisation or individual who wants to gather the views of civil servants as a contribution to a particular research project. This could include market research surveys by commercial organisations, as well as research studies by non-commercial organisations or individuals, and could take the form of a questionnaire and/or personal interview.

You must not take part in a survey or research project in your official capacity, even anonymously, if it relates to attitudes or opinions on political matters or matters of policy.

When considering whether to participate in other types of survey, you should find out who is conducting the survey, establish the aims and proposed method of operation and consider the scope, depth and type of questions likely to be asked. Once you have found out this information, you must consult your unit manager before agreeing to participate. Your participation must be consistent with the rules set out in [Section 2.1](#).

2.12 Crown copyright

Any works made by FC employees in the course of their employment is Crown copyright. You must therefore obtain prior permission from your Country Director or Director, Central Services, as appropriate, before entering into any arrangements regarding the publication or distribution, by private sector publishers or information providers, of any materials protected by Crown copyright. Such arrangements will usually be subject to specific licensing and your Country Director or Director, Central Services will need to refer the matter to the Copyright Unit of Her Majesty's Stationery Office or the Queen's Printer for Scotland. The exceptions to this are where:

- the material is to be published in learned journals or the proceedings of conferences or seminars;
- the material to be published is official, authorised work, specifically on behalf of the FC; or
- the FC is authorised to license the material under specific delegated authority.

Where the FC is authorised to license the reproduction of Crown copyright protected material, it will ensure that:

- there is an obligation placed on the publisher to acknowledge the Crown copyright source material;
- Crown copyright is not assigned to the publisher; and
- the material is licensed on non-exclusive terms.

An entire work may be Crown copyright if you prepare it in the course of your duties or if it is commissioned by an outside contractor and copyright has been formally assigned to the Crown.

If the entire work is Crown copyright then you will not be entitled to any payment resulting from its sale. This applies whether the work is published officially by the FC or by a private sector publisher under licence from the HMSO's Copyright Unit.

If you create work entirely in your own time, which is clearly unconnected with your official duties, then Crown copyright is not an issue. However, if the work relates to your official duties, you should consult Director, Central Services in the first instance, who will consider whether:

- you produced all or part of the work during working hours;
- the work is based on Crown copyright source documents; and
- there are any security implications.

The Director, Central Services may in turn need to consult HMSO’s Copyright Unit.

If you write a book in your own time that is unrelated to your official duties but you wish to incorporate extracts of Crown copyright material within the work, you must obtain permission to reproduce the material from HMSO’s Copyright Unit. If you are on secondment outside the Civil Service, copyright in any work you produce during your secondment will rest with your host organisation, unless otherwise agreed.

A series of Guidance Notes on copyright and official publishing are available from the [Office of Public Sector Information](#).

2.13 Dealing with Members of Parliament

Advice on dealing with Members of Parliament (MPs), Members of the Scottish Parliament (MSPs), Assembly Ministers (AMs) and Members of the European Parliament (MEPs) should be sought from a member of the Senior Staff Group.

2.14 Leaked Government Committee Reports

If you receive a leaked Government Committee report, you must not make any use of it or circulate it further. You must immediately return the report to the Clerk of the relevant Committee and only then inform your Minister or Assembly Secretary.

3. Private financial interests and shareholdings

In some circumstances, your private financial interests could be seen as a conflict of interest with your position as a civil servant. This could include:

| Financial Interests | Held by |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> • shares, whether held directly or otherwise; • options or similar products; • investment trusts; • gilts; • collective investment schemes, including unit trusts; and | <ul style="list-style-type: none"> • you; or • members of your family or anyone that you have a domestic or other relationship with, where it would be reasonable to believe that you could influence their decisions on investment matters. |

- | | |
|-----------------------------------------------------------------------------------------------------------------|--|
| <ul style="list-style-type: none">• dealings through intermediaries or with lending institutions. | |
|-----------------------------------------------------------------------------------------------------------------|--|

You must ensure that your private financial interests do not conflict with your official duties. You may have private financial interests, providing the nature of your official duties does not require this to be restricted.

You must not use your official position, or information gained in the course of your official duties, to engage in insider trading or advance your private financial interests or the financial interests of others. Specifically:

- If, through your official duties, you have access to confidential information that could affect the value of any financial interest, you must not take financial advantage from that information, for yourself or others, while it is confidential. You must be careful to keep such information to yourself and those colleagues with an official need to know.
- If, through your official duties, you have access to any unpublished price-sensitive information about an organisation, you must not deal in securities of that organisation or advise or ask others to do so. You must not pass on the information to others, even in confidence to other Government officials, unless such a disclosure is authorised by your unit manager, if you have reason to believe that they will use it to deal in the securities or advise or ask anyone else to do so.
- You must not participate in any FC decision that could affect, or could reasonably be thought to affect, the value of your private financial interests or those of others to whom you give investment advice. You must immediately declare your position to your line manager, even if you have previously declared your interest.

If you are involved in making or contributing to a FC decision in the course of your official duties, and you have private financial interests that could cause you to appear to be biased, then the decision would be open to legal challenge and could be set aside. Where someone feels adversely affected by such a decision, and alleges bias by a FC employee involved in the decision, they could take legal action against the FC in respect of the decision and seek damages from the FC employee with the alleged conflict of interest.

If you participate directly in the commercialisation of your research, you may benefit from an equity stake, share option or other form of personal gain, subject to the conditions laid down in [PIN43](#).

If it could be suggested that you could use your official position to further your private financial interests, you must inform your unit manager so that they can determine how

best to proceed and, where appropriate, seek legal advice. You must follow any instruction that you receive from the FC about the retention, management or disposal of these interests.

4. Outside occupations and business / private interests

While you are employed by the FC, you must obtain the written consent of a member of the Senior Staff Group before you engage in private activities that:

- require your attendance during your contractual hours or that impact on your ability to effectively perform your official duties;
- could conflict with the interests of the FC or may be inconsistent with your position as a civil servant;
- involve experience that you have gained in the course of your official duties; or
- result in payment from another Government department.

If you have any private business interests that could conflict with your position in the FC, or where it could be suggested that you could use your official position to better these business interests, you must inform your unit manager. The same applies to the business interests of your immediate family, including your spouse, partner and/or children, to the extent that you are aware of these interests. You must follow any instruction that you receive from the FC about the retention, management or disposal of these business interests.

If you come into official contact with a matter, concerning an organisation that you have an interest in, you must inform your unit manager and ask that a colleague deal with the matter.

You must ensure that a conflict of interest does not arise from any official dealings with, or decisions in relation to, individuals who share your private interests. This could include, but is not limited to:

- family members; or
- members of societies, clubs or other organisations, for example freemasonry.

Where a conflict of interest arises, you must inform your unit manager so that they can determine how best to proceed.

If you are in any doubt about the appropriateness of any outside occupation or business / private interest, please contact a [HR Case Manager, HR Services](#).

4.1 Outside employment and consultancy work

You must obtain permission from your unit manager before you accept any outside employment that may affect your work, either directly or indirectly, or if you intend to undertake consultancy work. The Business Appointment Rules also apply if you wish to undertake outside employment while you are still employed by the FC. For more information on the Business Appointment Rules, please refer to [Section 5](#).

If you take up outside employment or consultancy work, you should be aware that:

- you will have no right to special leave for any absences which may result from this work; and
- your outside employment may be taken into account when determining the allocation of particular duties.

You must not engage in consultancy work on behalf of any company that the FC has a contractual relationship with or that your work area has a close official relationship with.

If you have any doubt about an organisation's contractual or official relationship with the FC, you should consult with your unit manager.

4.2 Directorships

You will not normally be permitted to hold directorships or undertake work in other organisations. However, you may be allowed where:

- you have been nominated to do so by the FC;
- you have express prior permission from a member of the Senior Staff Group; or
- it is a non-executive directorship in small, private company and there is no conflict of interest.

If it could be suggested that you could use your official position to better the interests of an organisation where you are a director, you must follow any instruction from the FC about the retention, management or disposal of that interest. Where you are appointed to an outside body in your official capacity, for example as a non-executive director, this can carry financial risk for the FC, so should be approved by Director, HR, who will provide written advice.

You should consult a member of the Senior Staff Group if you are aware of a directorship held by a member of your immediate family, including your spouse, partner and/or children.

4.3 Contracts and purchasing

The FC will not usually let contracts to:

- a FC employee;
- any partnership where a FC employee is a member;
- any company where a FC employee is a director, except where they were nominated by the FC; or
- an organisation where a FC employee has any form of personal interest or connection.

However, this may occur where you have fully declared your interest in the contract, in writing to a member of the Senior Staff Group, and they have given permission for the contract to proceed.

If you are involved in a purchase order and you have any form of personal interest or connection with the organisation concerned, you must report this immediately to your line manager. Your line manager will review the circumstances and either approve the order personally or decide that the matter should be dealt with by another employee. If your line manager is in any doubt about the appropriateness of a particular order, they will seek advice from their line manager before the order is placed.

If you are involved in making or influencing decisions on the purchase or sale of goods or services, advice can be obtained from the [Procurement Team, Finance and Accounting Services](#) and is available on the [Procurement Guidance and Templates](#) e-Connect page.

5. Business Appointment Rules

The Business Appointment Rules are designed to uphold the core values of the [Civil Service Code](#) and to ensure that there is no cause for public concern when a former civil servant moves into business or another body outside of central Government.

The aim of the Business Appointment Rules is to avoid any reasonable public concerns that:

- a civil servant might be influenced in carrying out their official duties by the hope or expectation of future employment with a particular organisation, or in a specific sector;
- a former civil servant might exploit the privileged access that they have had to sensitive information or Government contacts; or
- a particular organisation might gain an unfair advantage by employing a former civil servant who, in the course of their official duties, had access to:

- commercially valuable or sensitive information about that organisation's competitors; or
- information relating to unannounced or proposed developments in Government policy, knowledge of which may affect the prospective employer or a competitor.

5.1 Who the Business Appointment Rules apply to

The Business Appointment Rules apply to all serving civil servants, including fixed term appointments, and to former civil servants for two years after their last day of service.

The Business Appointment Rules continue to apply if you are on secondment to another organisation. They apply equally to those who are seconded into the FC from another organisation, unless they return to their employing organisation and remain there for two years. Where this is the case, safeguards should have been provided in the terms of secondment.

Before accepting any new appointment or employment, whether in the UK or overseas, you must consider whether an application under the Business Appointment Rules is necessary to meet the aims set out in [Section 5](#). If an application is required, you should not accept any new appointment or offer of employment until your application has been approved.

You should complete the [Business Appointment Rules Application Form](#) to make an application.

5.2 When approval under the Business Appointment Rules is required

5.2.1 Current civil servants - all grades

If you are approached by an outside organisation with an offer of appointment or employment that would require approval under the Business Appointment Rules, you should notify your line manager if you plan to follow up the offer. Where your duties involve the letting or management of Government contracts, you must immediately report all offers of appointment or employment to your line manager, regardless of whether you intend to follow up the offer.

5.2.2 SCS1 and below

An application is required for any new appointment or employment that you wish to undertake in the two years following your last day of service, if:

- you have been involved in developing policy affecting your prospective employer, or you have had access to unannounced Government policy or other privileged

information affecting your prospective employer, within your last two years in the Civil Service;

- you have been responsible for regulatory or other decisions affecting your prospective employer within your last two years in the Civil Service;
- you have had official dealings with your prospective employer within your last two years in the Civil Service;
- you have had official dealings of a continued or repeated nature with your prospective employer at any point during your time in the Civil Service;
- you have had access to commercially sensitive information relating to any competitor of your prospective employer in the course of your official duties;
- your proposed appointment or employment would involve making representations to, or lobbying, the Government on behalf of a new employer; or
- you have had official dealings with outside organisations, within your last two years in the Civil Service, that are involved in areas in which you propose to undertake consultancy work.

Further advice on whether an application is required is available from the [HR Case Managers, HR Services](#).

5.2.3 SCS2 and above

An application is required for any new appointment or employment that you wish to undertake in the two years following your last day of service.

For SCS3 and above, there will usually be a ban on lobbying Government on behalf of your new employer for two years after you leave the Civil Service. The Advisory Committee on Business Appointments may reduce this if they consider it justified in the particular circumstances of your application. Lobbying in this context means engaging in communication with Government, including Ministers, special advisers and officials, with a view to influencing a Government decision or policy in relation to your own interests, or the interests of the organisation you are employed by or contracted to.

5.3 The approval process

The approval process differs depending on the seniority of the applicant. The independent [Advisory Committee on Business Appointments](#) oversees the operation of the Business Appointment Rules. The FC has the discretion to refer an application at any level to the [Advisory Committee on Business Appointments](#) to seek independent advice.

| Applicant | Approval process |
|------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Below SCS1 | A member of the Senior Staff Group will consider your application. |
| SCS1 | Your Country Director or Director, Central Services, as appropriate, will consider your application. A manager in a higher pay band than the one you occupy must consider your application. |

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| SCS2 and above | The FC will refer your application to the Advisory Committee on Business Appointments, who provide advice to the Prime Minister, or appropriate First Minister, to enable them to make the final decision. Their decision will be communicated to the FC as soon as possible, who will then inform you of the decision. |
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5.4 How to apply

If you need to make an application under the Business Appointment Rules, you must contact a [HR Case Manager, HR Services](#) as early as possible. In any event, you will automatically receive a [Business Appointment Rules Application Form](#) if you leave the FC. When making an application, you must provide as much detail as possible about the appointment or employment that you intend to take up. You should attach additional information where necessary, as this will speed up the application process.

You should pass your application to be countersigned to an appropriate manager, normally someone within your line management chain. This person should be in a position to understand the potential issues arising from your proposed appointment or employment and who can judge the possible public perception of this. You should send your countersigned application to the [HR Case Managers, HR Services](#) for action and they will notify you of the decision on your application in due course.

5.5 Approval and conditional approval

Your application may be approved unconditionally or approved subject to certain conditions. Conditions may include specified periods where you should not:

- lobby the Government on behalf of your new employer;
- have any involvement in certain activities, for example commercial dealings with the FC; or
- be involved in particular areas of your new employer’s business.

Any conditions imposed will apply for a maximum of two years from your last day of service. Where appropriate, any difference between your last day of service and your last day in post will be taken into account. You will not normally be given approval to undertake a paid appointment or employment before your last day of service.

Where it is recommended that your application be approved subject to certain conditions, you will be offered an opportunity to discuss this with the decision maker, either the appropriate manager within the FC or the Advisory Committee on Business Appointments, before a final decision is made.

If you have had any contractual dealings with a competitor of your prospective employer, or access to information concerning a competitor that could be considered commercially sensitive, the FC may seek the views of the competitor concerned on your proposed appointment or employment.

Where the Advisory Committee on Business Appointments has substantial concerns about propriety, they may advise that they view a proposed appointment as unsuitable, in addition to imposing the maximum two year waiting period. The Prime Minister, or appropriate First Minister, will take the final decision on such applications, based on the advice received from the Advisory Committee on Business Appointments.

The FC will inform your prospective employer of any conditions attached to the approval of your appointment or employment. Competitors of your prospective employer, and affected Government officials, will also be informed, where appropriate.

If your application is considered by the Advisory Committee on Business Appointments, their advice and a summary of your last role in the Civil Service will usually be made public when your appointment is announced or you have taken up employment. The FC has discretion to publicise their advice in the same way. In all other respects, the business appointment process is confidential.

6. Engaging in political activities

The Civil Service serves successive Governments, which may have different political views. Ministers and the public must have confidence that civil servants' personal views do not affect the performance of their official duties. It is intended for you to have maximum freedom to take part in public affairs whilst maintaining this confidence.

The rules that govern the political activities of civil servants working in the FC are set out below. If you wish to engage in political activities, you should read this Section and note any restrictions that apply to you. If you are in any doubt, please contact a [HR Case Manager, HR Services](#) for further guidance.

The rules are concerned with political activities that are likely to give public expression to political views, not privately held beliefs and opinions.

6.1 Restricted political activities

Political activities that may be subject to restriction are:

- public announcement as a candidate, or prospective candidate, for the European Parliament, UK Parliament, Scottish Parliament or Welsh Assembly;
- candidature for, or co-option to, a local authority;

- holding office in a party political organisation, which wholly or mainly impacts on European, national or local party politics;
- speaking publicly on matters of national political controversy;
- expressing views on such matters in books, articles, leaflets or letters to the press; or
- campaigning on behalf of a candidate for the European Parliament, UK Parliament, Scottish Parliament, Welsh Assembly, a local authority or on behalf of a political party or local political organisation.

6.2 Restrictions on FC employees

The restrictions apply to all civil servants, including those on secondment to other organisations. The extent to which you can take part in political activities whilst employed by the FC depends on which one of the following groups you are in:

| Classification | FC Employees | Political Activities |
|------------------------------|---------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Politically Free Group | Pay band 7 employees ¹ | You are free to engage in all political activities. |
| Intermediate Group | Employees in pay bands 6 – 3, except those covered by the other two categories. | You must seek permission to engage in local or national political activities, unless you have the FC’s authorisation giving you specific permission. If you have established permission, you must notify a member of the Senior Staff Group before taking up political activities and must comply with any conditions set. |
| Politically Restricted Group | All other employees | You are prohibited from engaging in national political activities but may apply for permission to engage in local political activities. |

6.3 Permission to undertake political activities

6.3.1 Refusal of permission to undertake political activities

You will not normally be granted permission to take part in political activities if you are in the Politically Restricted or Intermediate Group and you work in an area where the political impartiality of the Civil Service is most important. For example, you are likely to be refused permission if:

¹ Employees included in this category are subject to the approval of the Minister for the Civil Service under the Servants of the Crown (Parliamentary, European Parliamentary and Northern Ireland Assembly Candidature) Order 1987.

- you are closely involved in providing policy assistance to Ministers or to other Government Departments, including tendering advice or implementing immediate Ministerial directives;
- you work in the private offices' of Ministers or senior officials or areas which are acutely politically sensitive or subject to national security;
- you regularly speak for the Government, or the FC, in dealings with commercial undertakings, pressure groups, local Government, public authorities or any other organisation and you could appear to have influence in the application of Government policy affecting them;
- you represent the Government in dealings with overseas Governments; or
- your official duties involve a significant amount of face-to-face contact with the public and you:
 - are involved, or appear to the public to be involved, in making decisions affecting them; and
 - undertake political activities that are likely to become known to public.

If you wish to become politically active and permission cannot be granted because of the nature of your role, the FC will consider finding you a suitable alternative post, where this is possible and appropriate.

If you are refused permission to undertake political activities, you will be given a full explanation of the reasons. You can appeal this decision to the [Civil Service Appeal Board](#).

6.3.2 Granting of permission to undertake political activities

In most cases, with the exception of employees covered by [Section 6.3.1](#), it is expected that permission will be granted, providing that the FC is satisfied that the employee concerned understands and adheres to all relevant parts of this Procedure, and the associated [Policy](#). However, you will not be permitted to carry out any form of political activity while on duty, on FC premises or in FC corporate clothing.

If you are granted permission to undertake national political activities, this will usually cover local political activities as well. However, in some circumstances, the FC may give you permission to engage only in local political activities outside your area of work.

You must notify a member of the Senior Staff Group if you are elected to a local authority. You may take part in Parish Council or Community Council affairs, providing these activities do not interfere with your official duties.

If you have been granted permission to undertake political activities, you may still be moved to a different role, as required by the FC. If you move into a role where permission cannot be granted, you will be required to give up your political activities.

The FC may withdraw their permission for you to undertake political activities at any time if there is a change in circumstances. You will be given a full explanation of the reasons and you have the right to appeal this decision to the [Civil Service Appeal Board](#).

6.4 Code of political discretion

If you do not have permission to engage in political activities, you must be discreet in relation to your personal political opinions at all times. Even if you have permission, your personal political views must not obstruct, or appear to obstruct, loyal and effective service to Ministers of any political party.

If you are in the Politically Restricted or Intermediate Group and have permission to take part in political activities, you are not prohibited from advocating or criticising the policy of any political party. However, you must:

- express comment with moderation, particularly in relation to matters for which the FC's own Ministers are responsible;
- decline to comment on matters of controversy;
- not express personal criticism of others;
- not act in a way that could cause embarrassment to Ministers or the FC, even inadvertently, if they were to come to prominent public attention;
- recognise that you only have permission to participate in political activities and not compromise your impartiality by getting involved in matters of political controversy; and
- not attend any outside conferences or functions run by party political organisations, in your official capacity.

If you are in the Politically Restricted Group, your impartiality must be beyond question and therefore if you are likely to become involved in matters of public or political controversy as a private citizen, you must consult your line manager and, if necessary and appropriate, a member of the Senior Staff Group.

6.5 Election to the UK or European Parliament

FC employees are legally disqualified from election to the European or UK Parliament. If you wish to stand for election to parliament, you will need to resign from the FC, in line with the rules below relating to your classification.

The FC may make a discretionary payment, equivalent to the period of notice due to you from the FC, if the adoption process does not reasonably allow you to give the full notice. For more information on notice periods, please refer to [HR Policy – Notice Periods](#).

6.5.1 Employees in the politically free group

You are not obliged to resign when you are adopted as a prospective candidate. However, to prevent your election being held as void, you must submit your resignation before you give your consent to nomination, in accordance with Parliamentary Election Rules.

If you are not elected, you are entitled to reinstatement in your previous capacity providing you apply within a week of declaration day.

If you are elected, you are entitled to reinstatement if:

- you cease to be a Member of Parliament;
- you left the Civil Service no more than five years ago; and
- you apply for reinstatement within three months of ceasing to be a Member of Parliament.

If you do not meet these conditions, you may still apply for reinstatement but this will be granted at discretion of the FC. For more information on reinstatement, please refer to [HR Policy – Re-appointment](#).

6.5.2 Employees in the politically restricted or intermediate group

You must comply with the provisions of the Servants of the Crown (Parliamentary, European Parliamentary and Northern Ireland Assembly Candidature) Order 1987.

You must not issue an address to electors or publicly announce yourself, or allow yourself to be publicly announced, as a candidate, or prospective candidate, for election to Parliament.

You must resign from the FC when you are formally adopted as a parliamentary candidate, or prospective candidate, in accordance with the procedures of the political party concerned.

You must not postpone your last day of service with the FC beyond the date when your adoption procedures are completed and you remain subject to the rules on political activities until your last day of service.

If you resign when you are adopted as a parliamentary candidate, you can apply for re-appointment to the Civil Service within 5 years of your last day of service. For more information on re-appointment, please refer to [HR Policy – Re-appointment](#). The FC will consider your application if there are suitable vacancies in non-sensitive areas of work.

7. Trade Union activities

For information on undertaking Trade Union activities, please refer to the [Facility Time Agreement](#). Your conduct must still be consistent with:

- this procedure, specifically in relation to the use of official information and engaging in political activities;
- [HR Policy - Civil Service Code](#); and
- [HR Policy – Conduct and Security](#).

If you are an elected trade union official, you may comment on Government policy or publicise your views on an official matter, when representing the legitimate interests of your members, unless your official duties mean that you are directly involved with the policy or matter concerned. You must make it clear that you are expressing your view as a representative of the trade union, not as a civil servant.

8. Declaring criminal offences, bankruptcy and insolvency

You must tell your line manager if you are arrested or convicted of a criminal offence, including a driving offence, during your employment with the FC.

You must also tell your line manager if you become bankrupt or insolvent. In such circumstances, the FC will ensure that you do not undertake duties that could be seen to enable the misuse of public funds.

9. Private use of official telephones

The primary purpose for the FC providing you with an official telephone is business use, necessary for the successful performance of your job. You must restrict your private use of official telephones to urgent matters and you must be as brief as possible. The FC will make no charge for private local calls, however you will normally be required to pay for any private national or international calls. You should seek the approval of your cost centre manager before making a private national or international call, explaining the reason for the urgent call, the destination and the likely duration and cost.

9.1 Mobile telephones

You must restrict your private use of mobile telephones, whether official or your own equipment, to urgent matters and you must be as brief as possible. The FC will make no charge for private use of your official mobile telephone, up to certain limits, either within

or outwith your working hours. You are required to pay for any private use above these limits - for more information, please refer to [Staff Notice 68 – Provision of Mobile Telephones / Communication Equipment for Business Use and Reimbursement for Private Use](#).

10. Sale of surplus items to FC employees

The sale of surplus items to FC employees is permitted but care must be taken to protect the interests of both the FC and the employee.

The FC will not sell surplus items to you if:

- you are officially associated with the disposal arrangements;
- you are able to obtain information about the condition of the item to be sold, which is not available to other prospective purchasers; or
- the transaction is at a discount that would not be available to the public or could cause criticism of low pricing.

If you are in any doubt about the sale of a surplus item, please contact your unit manager, who may then choose to seek advice from those with specialist knowledge, for example Information Services or Internal Audit.

Appendix 1

Guidance on the Official Secrets Act 1989

Under the Official Secrets Act 1989, it is an offence for a Crown servant or government contractor to disclose **official information** in **six specified categories**, if the disclosure is **damaging** and made **without lawful authority**.

1. Who is covered by the Act?

The act applies to all FC employees, as well as:

- all other Crown Servants, including government Ministers, civil servants and office holders;
- government contractors providing goods or services for a Minister; and
- members of the public and others who have, or have had, access to official information.

2. What is 'official information'?

'Official information' is any information, document or article, which a Crown servant or government contractor has, or has had, in their possession because of their position.

3. What are the six specified categories of protected official information?

The categories are:

- security and intelligence
- defence
- international relations
- foreign confidences
- information which might lead to the commission of crime
- the special investigation powers under the Interception of Communications Act 1985 and the Security Service Act 1989.

4. When is a disclosure 'damaging'?

The Act sets out different tests of 'damage' for each of the six categories of official information. In general, for an offence to be committed, the disclosure must have damaged the national interest in one of the ways specified in the Act. For more information on this, please contact the [HR Policy Team](#).

5. When is a disclosure made 'without lawful authority'?

You may only disclose official information in line with your official duties. Government contractors may only do so in line with an official authorisation or for the purposes of their functions as government contractors, without breaching an official restriction. If a disclosure is made in any other circumstances then this is regarded as having been made without lawful authority.

5.1 How does this apply to the public?

It is an offence for a member of the public, or any person who is not a Crown servant or government contractor, to disclose protected official information, without lawful authority or where it has been entrusted by a Crown servant or government contractor on terms requiring it to be held in confidence.

It is also an offence to make a damaging disclosure of information relating to security and intelligence, defence or international relations, which has been communicated in confidence to another State, or an international organisation, and has come into a person's possession without the authority of that State or organisation.

6. Disclosure of ways to access protected information

It is an offence to disclose official information that the recipient could use to obtain access to protected information.

7. What about safeguarding information?

It is an offence for:

- you, a government contractor or another person who has been given the information to fail to take reasonable care to prevent the unauthorised disclosure of a document or article which is protected;
- you, or another person who has been given the information, to retain a protected document or article contrary to their official duties; or
- a government contractor or a member of the public to fail to comply with an official direction for the return or disposal of a protected document or article.

Appendix 2

Guidance on interviews with the media

If your role requires you to talk to a journalist, you should remain impartial and comply with the following guidance:

| Do... | Do not... |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> • ... establish if it may be more appropriate for a Minister to give an interview. You must ask the Communications Division or Branch for your area of the FC to consult the Minister's officer before implying their participation. • ... contact the Communications Division or Branch for your area of the FC to discuss the objectives of the interview, the background facts and the balance that you are seeking to achieve. • ... establish at the outset whether the briefing may be attributed to you by name, to "sources" or is entirely for background information. You must contact the Communications Division or Branch for your area of the FC in advance regarding this. • ... draw a distinction between discussing and elaborating on matters where Government policy has already been announced and commenting on those where it has not. | <ul style="list-style-type: none"> • ... be drawn into expressing your personal views or saying anything "in confidence". You should assume that anything you say might be published and be aware of the risks of misinterpretation and the potential embarrassment to Ministers as a result of discussion of politically controversial matters or current/pending Ministerial policy. • ... disclose information that is classified, commercially or market sensitive or covered by any form of protective marking. • ... become involved in discussion that might prejudice a future decision or announcement. • ... compromise collective Ministerial responsibility, nor expose or discuss differences of opinion between Ministers, or between Ministers and civil servants. • ... disclose information about the relationship between Ministers and Cabinet or Cabinet Committees, Ministers and civil servants or the FC and other Government Departments. |