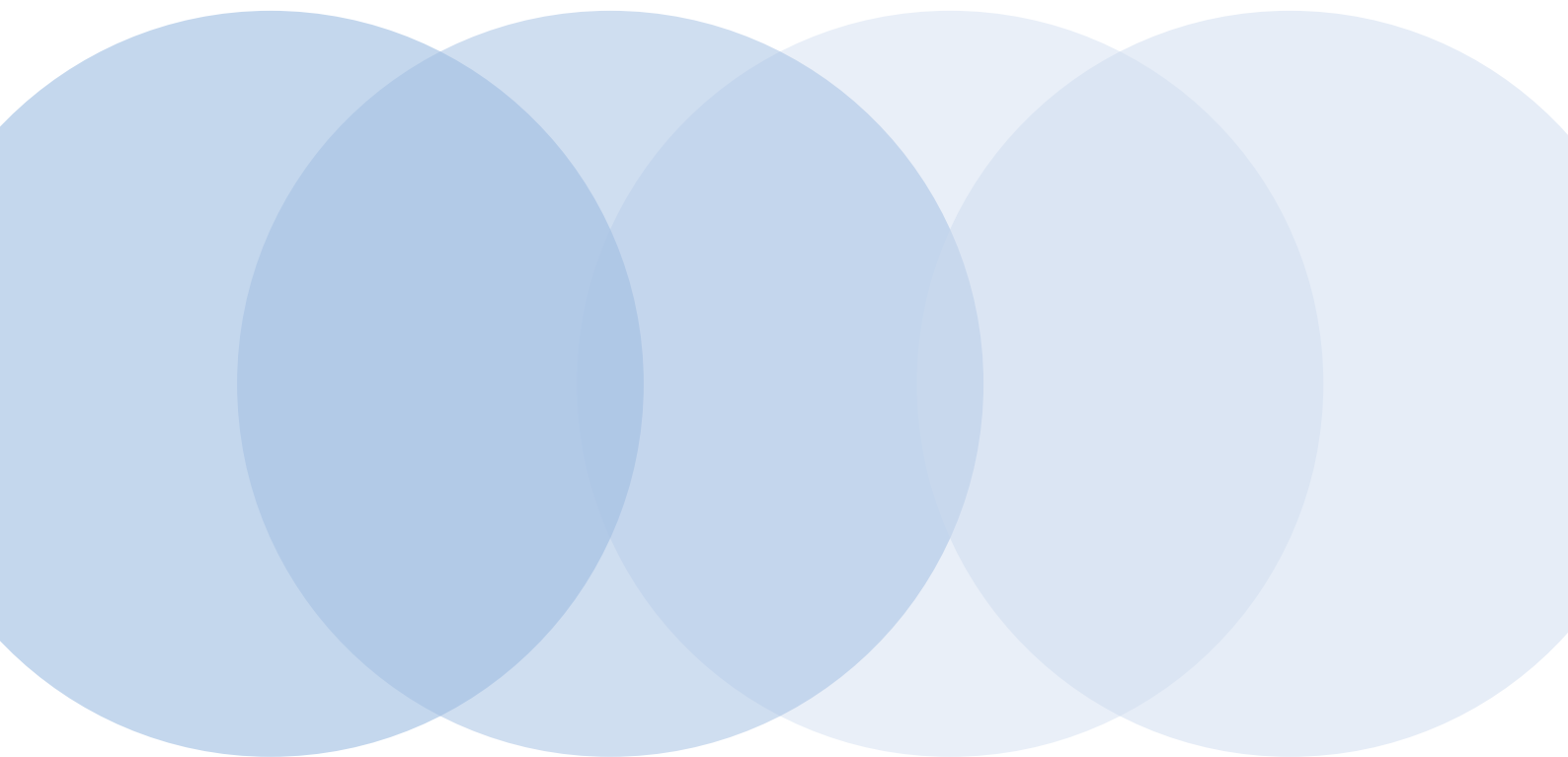


Ministry of  
**JUSTICE**

Human Resources Directorate

## **Conduct Policy**



**August 2012**

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## Introduction

This policy gives all of our people in Ministry of Justice (MoJ) information on the behaviour and conduct we expect from you while working for us. It highlights your main responsibilities as an employee and as a civil servant.

Our aim is to make working for Ministry of Justice a positive experience by encouraging good behaviour and conduct, and to clearly explain the consequences of not meeting the standards we expect.

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## Policy

### 2.1 Who does it apply to?

This policy applies to all permanent and fixed-term employees in the Ministry of Justice (MoJ) including members of the SCS in the NOMS business group (but not those below SCS in the NOMS business group). It covers all levels of seniority and length of service. It applies to everyone in the same way.

If you work for us under a contract you will also be expected to keep to this policy. This includes agency workers, consultants and contractors and interim staff. However, if your conduct falls below the standards we expect, we will deal with this under the terms of the contract under which you provide your services.

This policy does not form a part of your contract of employment. However, you are bound by the conditions of this policy which we may amend from time to time.

## 2.2 Principles

We want to see a positive commitment to high standards of behaviour and conduct from all our employees. This is so we can carry out our business functions successfully.

Our standards (see 2.3 below) are built on what the public expects from those who provide services to them. They take account of:

- the values and standards expected of all civil servants – described in the *Civil Service Code*;
- other rules that affect all civil servants (such as confidentiality and official information, appropriate behaviour and political activities); and
- conduct which meets our organisational values, including not accepting any unfair form of discrimination.

If you fail to meet these standards, it undermines our work and we will deal with it using our disciplinary procedures.

This *conduct policy* does not contain details of all rules and standards that apply to employees. You can find these in other documents such as the *Security handbook*, *IT Usage Guidance*, *Smoke-free policy*, *Drugs and alcohol guidance*, *Whistleblowing guidance*, *Information assurance guidance* and *Health and safety guidance*. All of these reflect mutual trust and respect between us and each employee.

If you are a member of the SCS in the NOMS (HMPS) business group, a number of NOMS (HMPS) policies and processes will also apply to you including PSO 8460 set out on the Conduct and Discipline website:

- PSO 8610 Staff Alcohol Policy
- PSO 8550 Grievance Policy
- PSO 8605 Reporting Wrongdoing
- PSO 8100, PSI 23/2000 and the NOMS (HMPS) Security Vetting web site on Racist Group Membership
- PSO 8650 Travel and Subsistence Policy
- PSO 7500 Finance Manual
- PSO 1310 Anti Fraud Strategy
- NOMS health and safety guidance, all of which are available on the HM Prison Service intranet.

Prison Service Orders are at: <http://www.hmprisonservice.gov.uk/resourcecentre/psispsos/listpsos/>

## 2.3 Standards of behaviour

### Principle

These are the standards of conduct and behaviour we expect every employee to meet.

If you do not meet all of these standards, your manager may take action under the disciplinary procedure.

You will:

- carry out your duties following the civil service values (honesty, integrity, objectivity and impartiality – for more information see [www.civilservice.gov.uk](http://www.civilservice.gov.uk));
- take responsibility for your actions;
- treat people decently and with respect;
- take care of all official property for which you are personally responsible, and immediately report to your manager any loss or damage;
- be polite, reasonable and fair in your dealings with people who use our services (prisoners, court and tribunal users, defendants, witnesses, the public and so on) and colleagues; and
- keep to policies and procedures which relate to your business area, including policies on security, the rules in this policy and specific rules such as prison service rules on relationships with prisoners.

You will not:

- discriminate against any person or group for any unfair reason (including their race, ethnic or national origin, sex, sexual identity, sexual orientation, marital or civil partnership status, age, disability, religion or belief, caring responsibilities, working pattern or trade-union membership); or
- harass, victimise or bully others through your actions, language or behaviour (whether done deliberately or not).

### Zero tolerance

This means we will:

- always investigate and treat allegations of unacceptable behaviour seriously; and
- take action appropriate to how serious the break of the policy is.

### What is unacceptable behaviour?

**Harassment** is unwanted behaviour which affects a person's dignity. It can relate to age, sex, race, disability, religion, nationality or any other personal characteristic of the individual and may be continuous or a one-off incident. Basically, the actions or comments are seen by the person receiving them as demeaning and unacceptable.

**Bullying** may include offensive, intimidating, malicious or insulting behaviour or an abuse or misuse of power which aims to undermine, humiliate or injure someone.

Bullying or harassment may be by an individual against an individual or involve groups of people.

**Victimisation** is when an individual is treated in a negative way because they make a complaint, plan to make a complaint, or have helped someone else to make a complaint.

### Examples of unacceptable behaviour

Unacceptable behaviour may include:

- spreading malicious rumours, or insulting someone;
- unwanted contact such as verbal abuse or offensive gestures;
- unwanted physical contact (including unnecessary touching, and physical threats or assaults);
- misuse of power or position such as making impossible work demands or providing too much unnecessary supervision;
- unfair treatment;
- isolating someone or encouraging them to do something illegal or unacceptable;

- ridiculing or demeaning someone, teasing them or making them the target of pranks or practical jokes;
- inappropriately commenting on a person's appearance, personal life or lifestyle; or
- displaying literature, pictures, films, videos or CDs or other items that could offend.

This is not a full list. You should remember that unacceptable behaviour related to harassment, bullying and victimisation could take place face-to-face, on the phone, by email or letter.

Please see section 3.3 and *IT Usage Guidance* for more information about your responsibilities when using the internet and emails.

If you are not sure what is acceptable, you should get advice from your line manager or your manager's manager.

## 2.4 Reporting concerns

We are committed to having an ethical work environment. If you see any conduct which does not meet the standards in this policy, or believe you are being asked to act in a way which goes against the *Civil Service Code*, you should normally report your concerns to your line manager or your manager's manager.

They will decide on the best way to deal with the complaint, which could include mediation or, if this is not possible or has been tried and has failed, using the appropriate discipline policy.

- If you are a member of the SCS in the NOMS business group, your managers will follow the policy and processes set out in the NOMS (HMPS) Conduct and Discipline website.
- If you are not a member of the SCS in the NOMS business group, your managers will follow the *Discipline policy*.

If you feel you need to make a complaint, you may do so using the appropriate grievance policy.

- If you are a member of the SCS in the NOMS business group, you should follow the guidance at PSO 8550 Grievance Policy on the HM Prison Service website.
- If you are not a member of the SCS in the NOMS business group, you should follow the *Grievance policy*.

Prison Service Orders are at: <http://www.hmprisonservice.gov.uk/resourcecentre/psispsos/listpsos/>

In instances where this is not possible or appropriate, you may need to report the matter using the *Whistleblowing guidance*.

## 2.5 Breaking this code

If your conduct and behaviour does not meet the high standards set out in this policy, your manager will take appropriate action to stop the misconduct continuing and to prevent it from happening in the future. Managers will use the discipline procedure if they feel that it is necessary. If you keep breaking the *conduct policy*, or you break it in a serious way, you may receive a formal warning or be dismissed without notice.

If you are a member of the SCS in the NOMS (HMPS) business group, your managers will follow the policy and processes set out in the NOMS (HMPS) Conduct and Discipline website if they feel disciplinary action is needed.

Prison Service Orders are at: <http://www.hmprisonservice.gov.uk/resourcecentre/psispsos/listpsos/>

## 2.6 Responsibilities

**As an employee or a person working for us under a contract (including agency workers, contractors and so on) you will:**

- read and understand this policy and keep to its standards and rules;
- follow the organisational values and the principles of the *Civil Service Code* which are in this policy;
- ask your manager to explain any parts of the policy you are not sure about; and
- include and promote equality and diversity in all that you do.

**As a manager you will:**

- set a positive example for your staff in both your managerial and professional behaviour, which is appropriate to your level of responsibility;
- include and promote equality and diversity in all that you do;
- put the standards of this policy into practice and deal with any problems fairly (you have a responsibility to take appropriate action to make sure that we maintain standards within your immediate work area and outside of MoJ);
- make sure that the members of your team are properly inducted and are aware of and understand their personal responsibilities to meet the standards in this *conduct policy*;

- monitor their behaviour to make sure they keep to the policy and, where necessary, explain to your team all parts of this policy to improve their understanding;
- take complaints seriously and take appropriate action, as soon as possible, to deal with anyone who does not keep to this policy; and
- if appropriate, make sure that members of the SCS in the NOMS business group are aware of the NOMS (HMPS) policies that apply to them.

**Human Resources will:**

- make sure this *conduct policy* is available to all staff by providing it to all new staff and making sure that it is referred to in induction guidance;
- support managers' and employees' understanding of this policy by providing advice and training; and
- monitor how effective this policy is by:
  - gathering, analysing and, where possible, publishing statistics on warnings and dismissals as a result of people breaking this policy;
  - reviewing relevant responses from the staff opinion survey; and
  - reviewing confidential reporting (whistleblowing) cases.



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## Rules

### 3.1 Gifts, hospitality and reward

#### Principle

You will not accept gifts or hospitality, or receive other benefits. In particular you are breaking this policy if you accept any gift or payment for:

- doing, or not doing, anything in your official capacity; or
- showing favour (or the opposite) to any person in your official capacity.

If you do not keep to the conditions, your manager may take action under the disciplinary procedure.

You are not allowed to accept gifts, hospitality or other benefits. This is because accepting these rewards could affect or influence your judgement, or cause your official role to conflict with your personal interests.

There are exceptions to this rule for gifts which are generally seen as inexpensive and hospitality in the form of refreshments during meetings. You will decide (with your manager where appropriate) whether accepting gifts and hospitality is acceptable.

You will report all offers of gifts, hospitality and awards to your manager whether or not you accept the offers. You will do so in line with the financial rules for your business group.

If you are a member of the SCS in the NOMS business group, use the guidance in:

- the SCS Staff Handbook PSO 7500; and
- Finance Manual and PSO 1310 – Anti Fraud Strategy.

Prison Service Orders are at: <http://www.hmprisonservice.gov.uk/resourcecentre/psispsos/listpsos/>

If you are not a member of the SCS in the NOMS business group, use the *Gifts and hospitality policy and procedures* on the intranet at:  
<http://intranet/justice/corporate-news/office-notices/files/2008/2008-06-30.htm>.

Special considerations apply to gifts and hospitality from overseas governments or organisations. Although the principles set out above generally apply, there may be times when refusal could appear impolite, or you should offer a gift in return. You should discuss these offers with your manager if you are not sure whether or not to accept the gifts or hospitality.

## 3.2 Drugs and alcohol

### Principle

**We will, where appropriate, be supportive when dealing with you if you are dependent on, or addicted to, drugs or alcohol.**

**This means that if you need help for a substance-misuse problem, we will not end your employment simply because of your addiction.**

**However, if your performance, attendance or behaviour is unacceptable, despite any support and help that we can offer, we may have to dismiss you.**

There will be circumstances where we will treat breaking the policy, whether dependency-related or not, as a disciplinary matter and we may dismiss you. Examples include if you:

- deliberately ignore personal safety by drinking alcohol or taking drugs;
- take part in unacceptable behaviour in the workplace associated with drinking alcohol or taking drugs;
- are found incapable of carrying out your normal duties satisfactorily as a result of drinking alcohol or taking drugs;
- drink alcohol or take drugs at work or when on call and likely to be called to work at short notice;
- possess, take, deal, sell or store controlled drugs either on work premises or are involved in these activities outside of work;
- are disqualified from driving as a result of alcohol or drug-related offences (if, under your contract of employment, you have to drive a vehicle); or
- make malicious or untrue allegations that a colleague is drinking alcohol or taking drugs.

This is not a full list. We will take disciplinary action, in all cases, which is appropriate to the circumstances.

If we have enough evidence, we will tell the police about illegal drug use or of any illegal activity or behaviour. For example, we would need to report criminal behaviour associated with alcohol abuse, such as having a drink-driving accident in a work vehicle.

If you are a member of the SCS in the NOMS business group, you are not allowed to drink while at work. Your staff in grades below SCS level must be 'fit for work'. The standard of being 'fit for work' within NOMS (HMPS) below SCS level is defined as being within the drink-driving limit. Your manager could ask you to take a test if they have reason to believe that you are breaking the rules of the policy. You can find further guidance in:

- PSO 8610 Staff Alcohol Policy; and
- PSI 14/2006: Guidance for Managers.

Prison Service Orders are at: <http://www.hmprisonservice.gov.uk/resourcecentre/psispsos/listpsos/>

If you are not a member of the SCS in the NOMS business group, you can find further guidance in *Drugs and alcohol guidance* or you can contact Workplace Support on 0121 681 3475.

### 3.3 Using IT systems, phones, fax and mail

#### Principle

You will not visit illegal or unacceptable internet sites or play games, and you will not write or send illegal or unacceptable emails or letters.

You will not allow your personal use of IT systems and the phones to affect your work performance or to take priority over your work duties.

If you do not keep to these conditions, your manager may take action under the disciplinary procedure.

#### IT systems

We provide email, intranet and internet and other IT facilities for business use, to help you to do your job effectively and efficiently. You and your manager are responsible for making sure that you keep to the rules set out by IT security branch or the IT policies that apply to your business group. You can use the internet for legal purposes as long as:

- you do so during non-work time only, for example during your lunch or a recognised break;
- it does not affect your work performance or take priority over your work duties; and
- you keep to the requirements of the *IT Usage Guidance*.

We do not allow personal use outside of these times unless you have your line manager's permission.

If you break the policy, we can take disciplinary action. For example, if you download, view, display or forward offensive or indecent material, this is gross misconduct and you could be dismissed.

If you receive any of this material, you will immediately report it to IT security in your business group and delete it. If you fail to do so, you will have broken the policy.

If you are not sure what is acceptable and unacceptable use of IT systems, you should get advice from your line manager.

We may review and monitor your use of the IT systems under the Lawful Business Uses Regulation of the *Regulation of Investigatory Powers Act (RIPA) 2000* if we suspect excessive personal, or inappropriate use. In these circumstances, we will normally warn you beforehand.

For more detailed guidance, please see the *IT Usage Guidance*.

#### Using phones

We provide phone equipment for business use.

You can make short, urgent phone calls that you cannot leave until lunch, recognised breaks, or after work. However, you will keep these to a minimum and they will not interfere with your duties.

We may review and monitor phone calls under the Lawful Business Uses Regulation of the *Regulation of Investigatory Powers Act (RIPA) 2000* if we suspect excessive personal or inappropriate use. In these circumstances, we will normally warn you beforehand.

You will normally switch your mobile phone to silent while you are working to make sure that you do not disturb customers or team members.

#### Post and faxes

We provide a postal system and fax machines for business use only. You will never put unstamped personal letters through the postal system we pay for or put personal documents through the fax machine.

## 3.4 Dress

Under the *Civil Service Code* you will :

'always act in a way that is professional and that deserves the confidence of all those you deal with'.

In some instances our customers will expect us to present a smart or professional appearance while at work or on official business. If there is a particular business need, you may need to follow a certain dress code.

In these circumstances, managers should:

- make sure we do not discriminate for any reason;
- consider what is appropriate dress to meet the business need and avoid being unnecessarily strict;
- remember that if an employee's religion means they must follow a particular dress code, this must be respected;
- make sure that, if necessary, employees wear identification badges or security passes; and
- give staff uniforms if needed, for example, gowns for court ushers.

You will not wear badges or display slogans or anything which shows you are a member of a particular political party. You may wear small badges showing your membership of a civil service trade union.

Because we have a number of business needs, we do not have a standard dress code. As a result, this guidance is meant to provide a framework only. Ask your manager what dress code is in place in your workplace. Your managers will normally discuss your dress code with local trade-union representatives.

## 3.5 Dealing with official information

### Principle

You will not release official information unless you are authorised to do so.

If you release official information without authority, your manager may take action under the disciplinary procedure.

We encourage openness and follow the principle that we should make official information available to the public unless it is clearly not in the public interest to do so. However, there are some restrictions on what you can release. You will not release, to anyone who is not authorised to receive it, personal sensitive information or information you have gained through your official duties.

If you are not sure, ask your manager before releasing any information. If you receive a request for information, you can also contact the **Access Rights Unit** for more advice. If you want to release information, you should discuss how to do so with the press office or media relations beforehand.

You will:

- take particular care with information which has a security marking – for more information on security markings and how this affects how you handle information, ask your manager or contact security branch;
- confirm the identity of anyone asking for information (perhaps by calling them back) before deciding if it should be released;
- ask for permission before becoming involved in any activity which might lead to revealing official information or use your official experience (for example, before taking part in discussions or seminars outside of MoJ);

- use personal or sensitive information in line with the *Data Protection Act 1998* – for more guidance contact the Access Rights Unit;
- clear, beforehand, text for publication which uses official information or experience; and
- not try to obstruct or hold up policies or decisions by revealing, outside government, any information you have had access to.

These obligations continue after you have left the service. See the section in this policy on *Outside appointments* at 3.15 for more details. See also the section on *Taking part in trade-union activities* at 3.13.

### 3.6 Press, TV or radio

#### Principle

**You are expected to support our aims and achievements, but must leave dealing with the media to staff in the press office or media relations who have specific responsibility for this.**

**If you do not do this, your manager may take action under the disciplinary procedure.**

If the press and media ask you for information, you should refuse their request and give them the name of the appropriate, authorised person for a response. This would normally be someone from the press office or media relations or a senior manager (area director, regional director, or equivalent). If you are not sure who the appropriate person is, ask your manager. If you are taking part in trade union activities, you must follow the rules in section 3.13.

### 3.7 Publications

#### Principle

**You will get permission before revealing information you have access to as a result of your job.**

**If you do not get permission, your manager may take action under the disciplinary procedure.**

You need permission before you publish electronically or in hard copy, a book, article, letter, or any other publication including film, video or audio material that relates to our official business or another government department. You should send an outline of the proposed work to the following for their permission.

- If you are a member of the SCS in the NOMS business group, send it to HR Policy and Reward.
- If you are not a member of the SCS in the NOMS business group, send it to your senior manager (area director, regional director or equivalent).

You will then send the finished text for approval before you publish it. If the publication is likely to interest the media or is political, you should also contact the press office or media relations for advice. You cannot receive payment for a publication produced in work time.

Your publication may be covered by Crown Copyright protection. Crown Copyright applies to any work which you have prepared or published in the course of your employment. This means that copyright belongs to the Crown and not you as the author. As a result you will not be entitled to payment or reward if the work is published or marketed. For more information, contact the Office of Public Sector Information (OPSI).

You must not publish or broadcast your personal experiences (memoirs) in government, or enter into commitments to do so, while we employ you. You must ask the permission of the Permanent Secretary and the Head of the Home Civil Service, before entering into a contract to publish these memoirs after leaving the service.

You should send your proposed memoirs in good time before any proposed publication date. In reviewing information, the Permanent Secretary and the Head of the Home Civil Service will take account of whether the information could damage international relations, national security or the confidential relationships between ministers, and between ministers and civil servants.

If you are appointed to a sensitive post, as a condition of taking up the post, we will assume you have transferred to the Crown, copyright in any future work which relates to your employment or which contains or relies on official information which you became aware of as a result of your employment as a civil servant. If the Permanent Secretary or the Head of the Home Civil Service give permission to publish the work, we will transfer copyright in the relevant part of the work.

### 3.8 Speeches and lectures

#### Principle

**You will get permission before speaking publicly on any subject that relates to your work or official business.**

**If you do not get permission, your manager may take action under the disciplinary procedure.**

You will get permission from a senior manager (head of section, area director, or equivalent) before giving a speech or lecture outside of work that relates to your work or official experience unless you are a member of NOMS (HMPS) Senior Civil Service and have been given authority to accept invitations to give talks and lectures. If the speech or lecture is likely to interest the media, or is political, you should also contact the press office or media relations for advice. If asked to give speeches or lectures at events arranged by political parties, you will keep to the *Political activities* section of this policy (see 3.16).

You cannot be paid for a speech or lecture that relates to your work or official experience. For more guidance, see *Gifts, hospitality and reward* guidance at 3.1. You can claim reasonable travel, food and accommodation costs.



## 3.9 Taking part in surveys

### Principle

You will get permission before taking part in surveys on any subject that relates to our business.

If you do not get permission, your manager may take action under the disciplinary procedure.

You can take part in any surveys outside of work that are not connected to official matters. If the survey relates to official matters or is aimed at gathering official views, you will ask for permission from a senior manager (head of division, area director, or equivalent) before taking part.

You will normally be given permission as long as the information is factual and already in public circulation.

In your official capacity, if you are asked to take part in surveys which deal with attitudes or opinions on political matters or matters of policy, you will keep to the rules in *Political activities*, section 3.16 of this policy.

## 3.10 Fraud

### Principle

You will act with honesty at all times and protect the public resources you are responsible for.

If you do not, we may take action under our disciplinary or fraud-investigation procedures.

Fraud is a criminal offence under the *Fraud Act 2006*, which came into force on 15 January 2007. There are three ways in which fraud can be committed:

- false representation;
- failure to reveal information when there is a legal duty to do so; and
- abuse of position.

In each case a person must plan to make a gain for themselves or another, or to cause loss to another, or expose another to a risk of loss. The *Fraud Act* applies to offences committed in England, Wales and Northern Ireland, but does not include Scotland.

We will investigate any case we suspect involves fraud or corruption. You are responsible for preventing fraud and will use preventative measures to reduce and manage the risk of fraud.

- If you are a member of the SCS in HMPS in the NOMS business group, see PSO 1310 – Anti Fraud Strategy.
- If you are not a member of the SCS in the NOMS business group, use the guidance at section 13 of the *Finance Manual*.

Prison Service Orders are at: <http://www.hmprisonservice.gov.uk/resourcecentre/psispsos/listpsos/>

## 3.11 Personal affairs

### Principle

You will not put yourself in a position where you have a conflict between your duty and your private interests. If this happens, you will report it to your manager.

You will be sensitive to the public view that these kind of conflicts could prevent you from being impartial when carrying out your duties.

If you do not do so, your manager may take action under the disciplinary procedure.

You need to be, and to be seen to be, independent, honest and fair when carrying out your duties. You also need to be careful in your private life so you do not do anything which might conflict with your duties. This doesn't mean that we do not respect your right to a private life as set out in the *Human Rights Act*. However, you need to let your manager know about anything in your private life (for specific, examples see A to E below) that may affect your official duties.

### A – Conflict of interest

If you think there may be a conflict of interest between your official duties and something in your private life, you will report it to your manager. You will be sensitive to the public's view that the conflict could prevent you from carrying out your duties fairly or that you may be suspected of improper behaviour. You will not use your position to favour (or the opposite) someone based on:

- your personal interests, relationships, friendships, associations, membership of societies, clubs and other organisations (such as being a Freemason); or
- the interests of your friends, relatives or anyone you have a close personal relationship with.

### B – Contracts

You will not make a bid for a contract we have put to tender either personally or through an organisation in which you have a financial interest unless you have revealed this interest and you have permission. You should ask your manager, your head of division, area director, or equivalent and your HR Case Manager for permission in the first instance.

If, while at work, you come into contact with any matter to do with a business organisation you have an interest in, you should reveal this to your manager, head of division, area director, or equivalent, and HR Case Manager and ask that another member of staff deals with the matter.

### C – Personal financial affairs

You may invest in shares and other investments unless it conflicts with the nature of your work. You will not be involved in taking any decisions which could affect the value of your private investments, or the value of those on which you give advice to others. And you will not use information you have gained in the course of your work for your own private financial interests or those of others.

You will report to your manager:

- business interests (including directorships) or shares or other investments you or members of your immediate family hold which you would be able to gain from as a result of your official position; and
- if you are in financial difficulties and legal action (for example, a county court judgment) is taken against you, or you become bankrupt or insolvent.



Your manager or manager's manager will consider:

- the effect your actions are likely to have on how effective you are at specific duties or to work for us;
- the risk to public money; and
- whether we will be affected in a negative way.

We will take disciplinary action against you if:

- you have done something deliberately which has affected our reputation;
- you have failed to tell your manager or HR Case Manager about your actions or involvement; or
- there is evidence that public funds may have been involved in an illegal act.

## D – Commercially sensitive information

If you have access to information that could affect the price of the shares or investments of a particular company, it is an offence to:

- deal in those shares or investments;
- give advice about or arrange such a deal; or
- pass on information to be used for the purpose of dealing, giving advice about or arranging a deal.

If you are not sure about your position, ask your manager.

## E – Reporting arrests or criminal convictions

You will let your manager know immediately if you are arrested, imprisoned, charged, or convicted of any criminal offence, or if you receive a police caution, summons or reprimand. Your manager will then tell your head of division, area director, or equivalent, and HR Case Manager. If you drive as part of your normal working duties, you will let your manager know immediately about any traffic offences (except parking offences) or disqualification from driving.

Other action taken will depend on:

- the nature of the offence;
- the outcome of court proceedings;

- the effect on our reputation; or
- the effect on your ability to do your job effectively.

## 3.12 Other employment

### Principle

You may take on other work as long as:

- you declare your plans before starting the work;
- it does not conflict with your duties; and
- you have been given permission to do so.

If you do not do this, your manager may take action under the disciplinary procedure.

You will get written permission from your manager before taking up another job, whether paid or unpaid, while you are employed by us. This is because your manager needs to make sure that it does not:

- affect you negatively because it breaks the Working Time Regulations or health-and-safety regulations;
- have a negative effect on your official work; or
- conflict with your official position, or with our interests, or damage public confidence in MoJ.

### Other jobs

If you do another job while receiving Statutory Sick Pay or occupational sick pay from us and are not entitled to do so, we may take disciplinary action.

You will not do any other work while on special leave.

If you are a member of the SCS in HMPS in the NOMS business group, you need to know that operational grades are not allowed to do any other job without permission. See HMPS Secondary Employment Policy NTS 02/1992.

If you are not a member of the SCS in the NOMS business group, you will only do other jobs in your own time and not when you should be at work.

## Voluntary public service

If you are a member of the SCS in HMPS in the NOMS business group, you need to know that there are extra rules on becoming a reservist or a member of the Territorial army. You can find more details in the *Voluntary Public Service policy*.

### 3.13 Taking part in trade-union activities

#### Principle

We recognise trade unions, such as the Public and Commercial Services, FDA and Prospect. Our policy is to encourage you to join these unions.

We also provide facilities that allow our staff to take part in legitimate trade-union activities by providing reasonable time off from their normal work duties.

We have published details of the time off allowed for trade-union activities and a departmental facilities agreement, which govern the arrangements for employee representation.

All employee representatives will follow the civil service code of conduct and the facilities agreement. If you are a trade union member, you will keep to the code on *Dealing with official information* and *Political activities*.

As long as you keep to the facilities agreement, you do not need permission to promote or publish the views of your trade union on an official matter that is to do with the conditions of service of union members. However, you do need permission if your duties as an employee representative and your official work as a civil servant are in conflict.

If you comment in your role as a trade-union representative on government policy, or official matters, you will make it clear that the views are yours or those of your trade union and not that of a civil servant.

### 3.14 Workplace relationships

#### Principle

You will tell your manager about any situation where your independence or honesty may be affected, or appear to be affected, due to a close relationship with someone at work.

The aim is to avoid any possibility of problems arising. You will tell your manager as soon as possible, for example at the start of a relationship.

If you do not, your manager may take action under the disciplinary procedure.

If you are interviewing someone that you have a relationship with, as a panel member you will be asked to declare this to the chair of the panel who will decide what action, if any, to take.

You will tell your manager if your partner, close relative or friend:

- works closely to you (for example in the same management chain, or if you authorise their spending or check money they handle); or
- has connections with your workplace (for example, suppliers tendering under a procurement contract, police officers, witnesses, lawyers, defendants and prisoners).

Your manager will decide what action to take, if any, as a result of the relationship. Examples of action they could take are:

- if you manage your partner, they might decide to get someone else to carry out the performance management or appraisal role;
- to prevent you as a legal adviser from dealing with cases that involve a person close to you who may be a police officer, defence solicitor, magistrate or crown prosecutor; or
- not place you under the line management chain in the first place or to move you to another post if a relationship is likely to affect, or might be seen to affect, the honesty of the service we provide to the public.

These are examples only. Managers will assess each case on its own merits.

## 3.15 Outside appointments

### Principle

You may take on work when you have left the civil service as long as you follow the Business Appointment Rules for Civil Servants on getting approval, where required.

If you do not follow those rules, we may take legal action.

As a Civil Servant, or former Civil Servant, you may need to get approval **before** taking any form of full-time, reduced-hours or fee-paid employment after you have left the civil service. The rules covering whether or not you need approval are given below and apply for two years after your last day of paid service.

We do not aim to restrict you in what you do but we need to avoid any unreasonable concerns that:

- as a civil servant, you might be influenced in carrying out your official duties by the hope or expectation of future employment with a particular firm or organisation, or in a specific sector; or
  - as a former civil servant, you might improperly exploit privileged access to contracts in Government or sensitive information; or
  - a particular firm or organisation might gain an improper advantage by employing you who, in the course of your official duties, have had access to;
    - information relating to unannounced or proposed development in Government policy, knowledge of which may affect the prospective employer or any competitors; or
    - commercially valuable or sensitive information about any competitors.
- Business Appointment Rules**
- Business Appointment Rules apply to all serving civil servants and to former civil servants for two years after the last day of paid service.
- This includes:
- permanent civil servants;
  - civil servants on fixed term contracts;
  - civil servants on secondment to other organisations;
  - individuals on secondment to the Civil Service from other organisations; and
  - special advisers.
- If any of the following apply to you, you **must** apply for approval **before** accepting any form of full-time, reduced-hours or fee-paid employment within two years after your last day of paid service.
- You are a **senior civil servant in pay band two or above**.
  - You are a **special adviser**.
  - You are a **senior civil servant in pay-band one or a civil servant in any grade/band below SCS AND** your circumstances match one or more of the following:
    - You have been involved in developing policy affecting your prospective employer, or have had access to unannounced Government policy or other privileged information affecting your prospective employer, at any time in your last two years in the Civil Service.
    - You have been responsible for regulatory or any other decisions, affecting your prospective employer, at any time in your last two years in the Civil Service.
    - You have had any official dealings with your prospective employer at any time in 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 time during your Civil Service career.

- You have had access to commercially sensitive information of competitors of your prospective employer in the course of your official duties.
- The proposed appointment or employment would involve making representations to, or lobbying the Government on behalf of a new employer.
- The proposed appointment or employment is consultancy work, either self-employed or as a member of a firm, and you have had official dealings with outside bodies or organisations in your last two years in the Civil Service that are involved in your proposed area of consultancy work.

## Reporting offers of employment whilst a MoJ employee

You must report to your line manager -

- any approach from an outside employer with an offer of an appointment or employment for which approval would be required under these Rules if you plan to follow up the offer.
- **all** offers of an appointment or employment, regardless of whether or not you intend to follow them up, if you are engaged in the letting or management of Government contracts.

Special advisers should report **all** offers, to the Permanent Secretary's Office, of an appointment or employment received while they are employed as a special adviser.

## Applying for approval

You should complete a business appointments application form, available on My Services or from the HR Contact Centre and send it to Shared Services.

To ensure your application is dealt with swiftly, you must provide as much detail as possible, attaching additional sheets or documents as is necessary to answer the questions.

## Who approves applications?

The application process differs dependent on your Grade – see below.

- As a **senior civil servant (pay-band 3) or above**, your application will be referred to the Advisory Committee, who provide advice to the Prime Minister, who makes the final decision. However, before submitting your application corporate Human Resources will make an initial assessment of the appointment and take an initial view on what recommendation would be appropriate.
- As a **senior civil servant (pay-bands 1 and 2)** your application will be considered by the Permanent Secretary.
- As a **special adviser**, your application will be referred to the Advisory Committee for advice but the Permanent Secretary will make the final decision based on that advice. However, before submitting your application corporate Human Resources will make an initial assessment of the appointment.
- As a **civil servant in any grade/band below SCS** your application will be dealt with by your countersigning officer's manager or relevant SCS pay-band 1, whichever is the more senior.

The Advisory Committee aims to provide its advice to the Prime Minister (or relevant Permanent Secretary in the case of applications from special advisers) within 20 working days of receipt of a fully completed application form. Complex cases may take longer, but in such cases, the Committee's Secretariat will advise the Department.

MoJ may refer any application to the Advisory Committee's Secretariat for informal advice. In addition if at any time during your last two years in the Civil Service, you have had contractual dealings with any competitors of your prospective employer, or access to information concerning them which could be regarded as commercially sensitive, the Department will seek the views of the competitors about the proposed appointment as a matter of course.

## Terms of approval

You will be given approval either:

- unconditionally; or
- subject to conditions which may apply for up to two years.

Approval will not normally be given to start a paid appointment or employment with a new employer before completion of your last day of paid service.

Conditions may include:

- a waiting period before taking up the appointment;
- a prohibition on you lobbying Government on behalf of your new employer;
- a condition for a specified period;
- you standing aside from involvement in certain activities e.g. commercial dealings with the Department.

Any condition imposed on your appointment will run from your last day of paid service for up to two years.

As a general principle, there will be a two year ban on civil servants at SCS pay-band 3 and above lobbying Government on behalf of their new employer after they leave the Civil Service. The two-year lobbying ban may be reduced by the Advisory Committee if they consider this to be justified by the particular circumstances of an individual application.

For applications considered by the Advisory Committee, in addition to a two-year waiting period, the Advisory Committee may, if they judge the propriety concerns to be substantial, add a rider to their advice saying that they also view the appointment to be unsuitable. It is for the Prime Minister (or Permanent Secretary in the case of special advisers) to make the final decision on the application based on the advice received from the Advisory Committee.

## Special conditions for Permanent Secretaries

All Permanent Secretaries, including Second Permanent Secretaries, will be subject to a minimum waiting period of three months between leaving paid Civil Service employment and taking up an outside appointment or employment. The Advisory Committee may advise that this minimum waiting period should be waived if, in its judgement, no questions of propriety or public concern arise from the appointment or employment being taken up earlier. Equally, the Advisory Committee may consider that public concern about a particular appointment or employment could be of such a degree or character that a longer waiting period is appropriate. Taking account of the maximum waiting period of two years that may be applied, the Committee may, exceptionally, add a rider to their advice saying that they view the appointment or employment to be unsuitable.

## Outcomes

Once your application has been considered, you will be notified of the outcome. If you are a senior civil servant in pay band two, the outcome of your application will be copied to the Advisory Committee's Secretariat.

Where it is proposed that your application be approved with conditions or a waiting period, you will be offered an opportunity to discuss any concerns you may have with the officer who made the decision or with the Advisory Committee (SCS 3 and above and special advisers).

MoJ will inform your prospective employer of any conditions which have been attached to the approval of your appointment or employment. For applications considered by the Advisory Committee, their advice, alongside summary details of your last post, will usually be published once you have taken up the appointment or employment or it has been announced.

If you wish to know the status of your application at any time during the process, you can contact the HR Contact Centre.



This guidance is based on the Business Appointment Rules for Civil Servants and Guidelines for Departments on Administering the Business Appointment Rules for Civil Servants available at: [http://acoba.independent.gov.uk/rules\\_and\\_guidance\\_civil\\_servants.aspx](http://acoba.independent.gov.uk/rules_and_guidance_civil_servants.aspx)

### 3.16 Political activities

#### Principle

**You will stay politically neutral at all times. You will get permission to take part in political activities if needed.**

**If you do not do so, your manager may take action under the disciplinary procedure.**

You will serve the Government, whatever party it is formed from, to the best of your ability, no matter what your own political beliefs are. You will not act in a way that is affected by a political belief, or allow your personal political views to affect any advice you give or your actions.

You will keep to the rules governing the political activities that civil servants can be involved in. These rules are aimed at making sure that:

- ministers and the public have confidence in the independence of the civil service; and
- you are given the greatest possible freedom to take part in public affairs without affecting your duties as a civil servant.

Your senior manager will decide whether to give you permission to take part in political activities. This will depend on whether you are employed in an area where being seen as independent is at risk. You will fall into one of the following three groups, depending on your job role.

- Politically-free group – industrial and non-office (which includes drivers, ushers and messengers) staff.

- Politically-restricted group – members of the senior civil service (SCS) and civil servants at levels immediately below the SCS (band A and above), press office, legal and fast-stream employees.
- The intermediate group – employees not covered in the politically-free or restricted groups (bands B to F).

If you are not sure which group you fall into, speak to your manager.

These rules relate to activities where you might express your political views in public. They do not concern your private beliefs and opinions, prevent you from being a member of a political party or prevent you from being part of a campaign or protest group. If you want to get involved in any political activity, you may need to apply for permission. *Taking part in political activity* describes the political activities these groups can and cannot take part in, when you need permission and how to apply.

If you are a member of the SCS in HMPS, you will also have to complete a *Racial Groups and Freemasons Declaration*. You are not allowed to be a member of the British National Party, National Front, Combat 18 or any other group or organisation promoting racism. For more details see: PSO 8100, PSI 23/2000 and the Security Vetting Website.

Prison Service Orders are at: <http://www.hmprisonservice.gov.uk/resourcecentre/psispsos/listpsos/>

## Taking part in political activity

Activities	Politically-free group	Politically-restricted group	Intermediate group
<b>National political activities</b>			
Public announcement as a candidate or prospective candidate for Parliament, the Scottish Parliament, the National Assembly for Wales or the European Parliament.	You are free to take part. (You must resign from the civil service to avoid your election being disqualified but you would be eligible to be employed again.)	You cannot take part. (You must resign from the civil service if you formally became a parliamentary candidate.)	You cannot take part. (You must resign from the civil service if you formally became a parliamentary candidate.)
Holding office in a party-political organisation.	You are free to take part.	You cannot take part.	You can apply for permission to take part.
Speaking in public on matters which are nationally politically controversial.	You are free to take part.	You cannot take part.	You can apply for permission to take part.
Expressing views on matters which are politically controversial in letters to the press, in television or radio broadcasts, or in books articles or leaflets.	You are free to take part.	You cannot take part.	You can apply for permission to take part.
Canvassing on behalf of a candidate for Parliament, the Scottish Parliament, the National Assembly for Wales or the European Parliament.	You are free to take part.	You cannot take part.	You can apply for permission to take part.
<b>Local political activities</b>			
Being a candidate for, or for co-option to, local authorities.	You are free to take part.	You can apply for permission to take part.	You can apply for permission to take part.
Holding an office in a local party-political organisation.	You are free to take part.	You can apply for permission to take part.	You can apply for permission to take part.
Speaking in public or expressing views, for example in letters, on matters which are locally politically controversial.	You are free to take part.	You can apply for permission to take part.	You can apply for permission to take part.

Activities	Politically-free group	Politically-restricted group	Intermediate group
<b>Local political activities (<i>continued</i>)</b>			
Canvassing on behalf of candidates for election to local authorities or a local political organisation.	You are free to take part.	You can apply for permission to take part.	You can apply for permission to take part.
Going to outside events.	You should not accept invitations in your official capacity to party-political events or events organised by political parties or which could be to do with a political subject matter. This is because it might be interpreted as lending support to the organisation or cause and bring our independence into question. However, if it is in our interests for an official to go to a conference, for example, as an observer, we may give permission. This permission should be granted by your head of division or area director.		
Unsuccessful election attempt.	You can rejoin the civil service at the same level, as long as you apply within a week of the day the election results are declared.	You will not normally be entitled to rejoin the civil service. However, we will assess cases individually.	You will not normally be entitled to rejoin the civil service. However we will assess cases individually.
Rejoining the civil service after serving as a Member of Parliament.	<p>You are entitled to rejoin in the following circumstances.</p> <ul style="list-style-type: none"> <li>You stop being an MP after being away from the civil service for five years or less.</li> <li>You had at least 10 years service before you were elected as an MP.</li> <li>You apply to rejoin within three months of ending your service as an MP.</li> </ul> <p>We will consider all cases on merit even if you only meet the first two of these three conditions.</p>	You will not normally be entitled to rejoin the civil service. However, we will assess cases individually.	You will not normally be entitled to rejoin the civil service. However we will assess each case individually.



## Applying for permission

Your application for permission to take part in political activities should:

- be in writing;
- give the nature of the political activity;
- give the period over which you think you will be involved; and
- be sent to your area director or head of division (or equivalent).

When considering your application, your area director or head of division (or equivalent) will consider the nature of your current duties and the type of activity you want permission for.

We are unlikely to give you permission if you carry out the following types of duties.

- If you are closely involved in helping ministers with policy decisions.
- If you work in areas which are very politically sensitive or governed by national security.
- If you regularly speak on behalf of the Government or the department in dealings with commercial companies, pressure groups, local government, public authorities or any other organisation and who may appear to those organisations to influence government policy which affects them.
- If you represent the Government in dealings with overseas governments.

## Your responsibilities

You will keep to the following code of discretion if we give you permission.

- If you fall into the politically restricted and intermediate groups, you can advocate or criticise any political party. However, you should express your comment with moderation, particularly on matters your own minister is responsible for. You should avoid any comment where possible if the departmental issue concerned is controversial.
- Avoid personal attacks, especially on your own ministers.
- You should avoid any embarrassment to ministers or to their departments which could

result from your actions by being involved prominently in party-political controversy.

- We give permission to take part in local political activities as long as you do not involve yourself in matters which are politically controversial, or which are of national rather than local significance.

You will not carry out any political activities while on duty, in uniform (if you wear a uniform) or on official premises. You will also continue to keep to the restrictions on using official information or experience that apply to all civil servants.

## What if circumstances change?

Your area director head of division, (or equivalent) will review permission for people to be involved in political activities. You should be aware that we can withdraw permission to take part in political activity at any time and without notice if circumstances change, for example if the nature of your work changes.

## If permission is refused

We will expect you not to put yourself forward prominently on one political side or another.

If it is the nature of your current role which causes the problem, we will consider the possibility of finding you another post.

## How to appeal

If you think we have withheld permission unreasonably, you can appeal using our grievance procedure.

You also have the right to appeal to the civil service appeal board (CSAB).

If you want to appeal to the CSAB, you will contact them within eight weeks of permission being refused. You then have a further four weeks to send your case to the CSAB. You are entitled to take a trade-union representative or work colleague to help you.

For more details on your eligibility and on how to appeal, see the Civil Service appeal board's internet site (<http://www.civilserviceappealboard.gov.uk/>), or contact them on 020 7276 3834.

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## 04 Important intranet and access information

## Important intranet and access information

### General information

You can get an electronic version of this policy document and related information or forms from My Services or at <http://intranet.justice.gsi.gov.uk/justice/guidance-support/my-services/conduct-and-behaviour.htm>

### Alternative formats

If you cannot easily get access to the intranet, your manager can give you hard copy of the policy or guidance. For other formats including Braille or large print, contact the HR Contact Centre:

Email: [MoJ-HR-xxxxxxxxx@xxxx.xxx.xxv.uk](mailto:MoJ-HR-xxxxxxxxx@xxxx.xxx.xxv.uk)

Phone: 0845 010 3510

