

## Standards of Behaviour Policy

1. Mutual trust is the foundation of the employment contract between the Department and its employees. The Standards of Behaviour policy provides direction on how to behave to avoid any action that could compromise this trust.

2. All Civil Servants must follow the [Civil Service Code](#)<sup>web</sup>. The Civil Service Code is the framework upon which the Department's Standards of Behaviour are built and sets out the fundamental standards expected from employees at work and in their private life, which may impact on their work. In some cases, the Standards of Behaviour policy includes more specific requirements than the Civil Service Code to ensure it is tailored to working for the DWP.

3. The Department's reputation depends on the quality of service provided and the way in which employees conduct themselves. This includes treating all customers professionally and in a way that complies with the [Diversity and Equality policy](#).

4. There are clear expectations on employees to act with honesty, integrity, objectivity and impartiality at all times. They must adhere to all Departmental policy and procedures and maintain political impartiality in the course of their duties.

5. The consequences of failing to comply are serious and attract penalties up to and including dismissal.

6. If employees feel they are being required to act in a way which they consider conflicts with the Civil Service Code, they can raise the matter as a concern under the Code. The [Crisis of Conscience policy](#) provides further advice.

7. Employees may also raise a concern under the [Whistleblowing and Raising a Concern](#) policy if, during the course of their work, they come across something they think is fundamentally wrong, illegal or endangers others within the Department or the public.

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## Summary of Expectations

### Employees

1. The expectations for employees are that:

- Duties are carried out, as discussed with managers, conscientiously and in line with current policies and procedures
- Employees are not [insubordinate](#)
- Both customers and employees should be dealt with impartially and courteously and treated in a way that complies with [DWP diversity and equality policy](#)
- In any dealings with the public, employees must maintain high standards of service
- Correct procedures are followed in all matters to ensure responsible use of public money
- While on official duty employees must ensure money, property and other funds are properly safeguarded and not used inappropriately
- Others are not knowingly helped to defraud public funds
- Reports are made to managers if there is suspicion of any financial irregularity and co-operation is given to any subsequent investigations
- Appearance of employees does not bring DWP into disrepute
- Conduct both inside and outside the workplace does not bring the DWP, its ministers or the government into disrepute
- Employees do not use their official position or information acquired to further their private interests or those of others
- Information gained through your employment is treated according to the rules governing data provided to the DWP
- Any breaches of the Standards of Behaviour and evidence of criminal or unlawful activity by Civil Servants must be reported. In addition suspicions of breaches should be reported to the appropriate authority
- Employees and customers receive only benefits and funds to which they are entitled

### Managers

2. Additionally, there are expectations that managers:

- Ensure that employees are clear about the standards required and the consequence of failing them
- Apply the standards reasonably and sensitively in all situations
- Deal with any failure to meet the standards and initiate the appropriate action
- Carry out the full range of prescribed managerial duties
- Must treat people who work for them equally and fairly at all times and never abuse their management position
- Never knowingly ask employees to carry out any task that is contrary to the Standards of Behaviour, current policies and procedures, or that is illegal or improper

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## Standards At Work

### Working with Fellow Employees

3. The Department is committed to providing the best possible services to all our customers. To achieve this, employees need to co-operate and work together effectively - you must be able to rely on your colleagues, as they must be able to rely on you. This means working conscientiously, as directed by your manager, and carrying out your duties in line with current policies and procedures.

4. A private relationship with colleagues is acceptable as long as it does not conflict with duties. This means you must not manage partners or close relatives.

5. The Department is also committed to providing services to the public that embrace diversity and that promote equality of opportunity. As an employer, the Department is committed to equality and valuing diversity within the workforce. The Department expects you to show respect for each other and to comply with the [Diversity and Equality policy](#).

### **Working with the Public**

6. Most people will come into contact with the Department at some time in their lives. The Department's reputation depends on the quality of service provided and the way in which our employees conduct themselves. This includes treating all customers sympathetically and in a way that complies with the [Diversity and Equality policy](#).

7. You must take care to avoid putting yourselves in a position where your work and private life is in conflict. For example, you must not deal with anyone with whom you have family or personal connections. You must seek advice from your manager if you are unsure of whether or not someone is considered to be connected to you.

8. If a member of the public asks you to represent them in a private capacity at a Social Security appeal tribunal you must obtain permission from a senior officer (not below SEO/Band E).

### **Dress Standards and Name Badges**

9. The Department believes that its reputation and credibility with the public and colleagues is enhanced by employees adhering to their business dress standard, presenting themselves in a professional and business-like way, prescribed by your business.

10. Businesses have the freedom to introduce their own dress standard, tailored to the context and environment within which their services are delivered. Where this has been introduced, there is a requirement to comply. Individual businesses policies can be accessed through the business Intranet sites.

11. As part of the Department's customer service policy all customers are entitled to know the name of the person with whom they are dealing. If you deal directly with customers, you will be expected to provide your name when asked. In exceptional circumstances, where there is a significant risk, you may be allowed to use an 'office name'. This must be used consistently and with full agreement of your manager.

12. In some business areas it is the policy that all employees will wear a name badge at work. You have four options for the display of your name on a DWP Name Badge:

- First name; or
- First name and surname; or
- Title (Mr/Mrs/Miss/Ms) initial and surname. e.g. Mr A Smith or Mr A B Smith; or

- In exceptional circumstances, an agreed pseudonym or established office name.

Individual business areas are free to develop their own policy in line with this overarching framework.

## **Health and Safety**

13. To do your job effectively, you need to operate in a safe and healthy working environment. To protect your health and safety and that of your colleagues you must:

- Follow all [health and safety rules](#), report any potential danger to your manager and immediately record any accident that occurs on official premises
- Observe the [Department's smoking policy](#). This prohibits smoking on Department premises, except in areas specifically designated as smoking areas. You are not permitted to smoke when dealing with customers or undertaking official duties outside the office
- Not consume [alcohol or illegal drugs](#) on Departmental premises or come to work whilst under the influence of alcohol or illegal drugs
- Produce a building photo pass, if you have one, on entry to Department locations and wear it at all times. Employees that work in public areas or at reception counters are not expected to wear their photo pass when dealing with members of the public

## **Attendance**

14. You must agree in advance attendance times with your manager and are expected to make all reasonable efforts to report for duty at your place of work in a timely manner. Failure to do so without prior authorisation, (unauthorised absence), is a disciplinary offence. Specific arrangements will apply if you do not attend work due to participation in [industrial action](#).

15. In the case of travel disruptions or bad weather, you are expected to consider alternative transport options including walking if less than one hour's walking distance, or secondly, to consider working from an office location closer to home, or from home if practicable. Managers will consider any potential health and safety risks and take account of, and make adjustments for, factors such as any disabilities, the nature of the disruption, the individual's personal circumstances and business continuity arrangements. Managers should refer to [The Major Disruption to Travel policy](#) for further guidance on attendance during periods of disruption.

16. When ill, you must agree arrangements with your manager for making regular contact with them while not attending work.

## **Unauthorised Absence**

17. If the manager has not been notified by the locally agreed time on the first day of absence, they should:

- try to contact the employee by telephone repeatedly
- consider contacting their next of kin, or visiting them at their home address on the first day of absence, if the employee is not on the telephone
- visit them at home on day 2 of the absence if the employee has not made contact by the expected time
- write to them using the [unauthorised absence letter 1](#). If the manager is still unable to contact the employee, the manager must send this letter by recorded delivery.

- ensure that letters are adapted to suit individual cases, but as a minimum include:
  - Details of the concern
  - A deadline by which the employee should contact the manager with an explanation of their absence. (A reasonable amount of time would be five working days from the date of the letter)
  - A warning that the employee's absence is regarded as unauthorised
  - An indication of the possible consequences, i.e. loss of pay and disciplinary action if the employee fails to make contact or fails to comply with the procedure for notifying sick absence
  - Advice that the [Employee Assistance Provider](#)<sup>web</sup> can offer help if they need it
- keep a note of the action taken to find out the reason for the absence
- if no contact within 5 days of sending the first letter write again using the [unauthorised absence letter 2](#). The manager must send this letter by recorded delivery.

18. If these attempts fail to make contact with the employee, the manager should [record the unauthorised absence](#) by the 5th day of unauthorised absence.

### **Acceptance of Gifts, Rewards or Hospitality**

19. Managers should be consulted if a third party offers gifts, rewards, hospitality, prizes or benefits. If there are any doubts about the propriety of accepting such gifts they must be refused.

20. Gifts, rewards or hospitality may only be accepted if there is not a risk that the Department or employee will become obligated or be perceived to be obligated to any outside organisation or member of the public.

21. Any offers, other than small gifts such as pens and chocolates, must be recorded in a register. The register should contain the following details:

- Date of the offer
- Nature, purpose and, where known, the value of the gift/hospitality
- Name of the person/organisation making the offer
- Name, grade and location of the employee involved
- Whether accepted or refused

### **Property of the DWP**

22. You must use items of equipment and property only for their designated purposes and in accordance with instructions given. You must take care to ensure that no loss or damage occurs to them. If any loss or damage occurs, you must report this immediately to your manager. Theft from the Department is not acceptable and could result in referral to the police for prosecution. The Department will seek to re-coup any monies owing.

23. You may use the Departmental telephone systems for short local personal calls, or use a mobile telephone to make limited personal calls, or send text messages. The use of any electronic equipment must be in line with the [Electronic Media Policy](#).

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## **Standards outside work**

### **Participating online on the internet – Social Networking – Blogging or other media**

24. When participating on line as a civil servant, you must follow the standards of behaviour set out in this policy and, when using the Department's computer systems, the Electronic Media Policy. When representing the Department in an official capacity you should conduct yourself online in the same way as you would with other media or public forums, such as when speaking at conferences, and disclose your position as a representative of your department or agency. Civil servants are expected and required to behave with the utmost integrity at all times and to be ambassadors for the Department. This applies even if you are communicating online with other civil servants.

### **Posting Information online**

25. Employees must ensure they have appropriate authorisation to post official information on social networking sites and that it does not conflict with any of the Standards of Behaviour. Unauthorised disclosure of information is very serious and disciplinary action will be taken for failing to comply.

26. You should not disclose any knowledge and official information, make commitments or engage in activities on behalf of government unless you are authorised to do so.

### **Posting Personal Comments and Opinions online**

27. If you are participating on line privately at home, or away from the office, you are advised not to associate yourself with the Department. If you do, you must ensure that nobody could reasonably interpret your views and expressions as those of the Department or anyone connected to it, and must not in any way bring the department into disrepute or damage its reputation with its employees or the general public.

28. Personal opinions posted online that are embarrassing or disrespectful to the Department; offensive or could bring the department into disrepute, including derogatory and rude remarks about fellow employees and customers will not be tolerated. Disciplinary action will be taken against employees who breach this policy.

### **Television Appearances**

29. Permission must be sought before anyone takes part in any media activity that may identify you as a member of the Department or may require time off work. Employees appearing on television must not disclose any knowledge and official information, or make commitments on behalf of government unless authorised to do so.

### **Other media - newspapers**

30. You must not pass official information on or make it available to any person eg newspapers, journalists or give interviews about the Department without appropriate authorisation. Authorised interviews must be professional and comply with DWP policies. You must not represent the Department when expressing personal opinions. Disciplinary action will be taken if personal opinions include derogatory and rude remarks about employees, customers or DWP business.

31. Trade Union representatives are required to comply with the Department's Standards of Behaviour when participating in any media related activities. Although they are not required to obtain permission before taking part, and reasonably commenting on concerns relating to pay, terms and conditions of employment and lawful trade union campaigns, they must make it clear they are speaking on behalf of the union. They must not disclose without authorisation any information that they obtain as a civil servant and through their work in DWP.

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## **Criminal Convictions**

32. If you are charged with, or convicted of, a criminal offence you must report it immediately to your manager, even if the incident has no relation to your work for DWP. This would include;

- Any cautions you receive or administrative agreements you sign as a result of any charges
- Any traffic offences occurring on official duty or in an official car, or traffic offences in any vehicle at any time involving driving under the influence of drink or drugs, or
- One which leads to the loss of your driving licence and/or imprisonment.
- Other traffic offences need not be reported.

33. If you are arrested and refused bail, you must tell your manager as soon as possible. You must also tell your manager if you are arrested for any offences of a financial or fraudulent nature, regardless of whether bail has been granted.

34. Managers must record any [disciplinary action on RM](#).

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## **Outside Interests of Employees**

35. You are responsible for ensuring that there is no conflict of interest between your interests outside work and your role at the Department, and that you do not bring the Department into disrepute.

36. You must never request special treatment from any DWP customer that would benefit your outside interests. If your work involves contact with external business organisations, such as banks, you must never ask for special treatment for yourself or colleagues.

37. Equally, if you are planning to take up an additional post or membership of a non-political organisation, it should not require attendance during your normal DWP working hours, or be carried out on DWP premises. You must consider whether there is a conflict of interest. If you believe that there could be a conflict of interest, you must discuss it with your manager, so that they can satisfy themselves that it will not impact your ability to carry out your duties effectively, impartially or adversely affect the reputation of the Department. For example, if you were dealing with the same DWP customers in Credit Union position as you were for DWP this would be a conflict of interest. You must ensure that it does not include any activity that involves handling the Department's instruments of payments, e.g. Post Office duties, or activity that involves debt collection, credit investigation or money lending. The only potential exception to this would be involvement with a legitimate credit union which operates on a non-profit making, community basis, and would not involve practices that could potentially compromise your employment. If you are involved in setting up or managing a board and lodging establishment/nursing home, this could cause a conflict of interest if public money is

paid to that establishment. Therefore if you are considering this, you must speak to your manager who may grant permission depending upon your official duties.

38. Acceptance of a [Non-Executive Directorships](#) must also be reviewed with your manager in the same way as a paid post.

39. If you want to leave the Department and accept a job offer made by a person, company or firm with whom the relationship has been established during the course of your official duties, or if you are offered a job in these circumstances at any time during your employment you need to [obtain permission in advance from your manager](#). This applies if you are still working for DWP or within 2 years of having left DWP.

40. You must not represent the Department in any official capacity without prior approval from your manager. You must also seek your manager's permission to take part in [political activities](#) assuming that they comply with the Civil Service Code and do not affect or appear to affect the services you deliver to the Government of the day.

41. It is a personal decision whether or not to join a [Trade Union](#) but the Civil Service encourages employees to [join an appropriate Trade Union](#) and to play an active part within it. You do not need permission to take part in Trade Union activities in your own time, but you will still be bound by the rules on disclosure of information.

42. You are encouraged to talk to local organisations about your work, however prior management approval is required. Before undertaking any talks including lectures, broadcasts or publishing material, your manager must be given the opportunity to agree the content and be supplied with a copy of the material to be used.

43. Do not take part in surveys or research in your official capacity, even anonymously, without prior permission from your manager.

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## Foreign travel

44. Employees are not required to report to managers when they are travelling abroad unless the journey is to or via the Peoples Republic of China, including Hong Kong. In these cases employees must read [Departmental Security Office advice](#) before travelling

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## Financial Matters

45. It is important that you do not expose yourself or the DWP to any financial activities that could be seen as inappropriate such as gambling on official premises. You have a duty to use public money responsibly, equally, you are expected to report to your manager if you suspect any financial irregularity and co-operate with any subsequent investigations.

46. You must not lend money to, or borrow money, from colleagues, employees or customers. You must only organise collections, raffles and national lottery syndicates on a voluntary basis, and not for causes that could be construed as having a political affiliation. There are [rules governing this in the staff clubs guide](#) that you must follow. Similarly, you may not apply for trade cards for your personal use in the name of the Department.

47. Any contracts must be handled in a transparent way. If there might be any perceived possible conflicts of interest due to personal interests, acquaintances, previous contacts, you must make your manager aware as soon as possible.

48. Equally, you must not have investments either directly or indirectly in companies about whom you have price sensitive and unpublished information through your official duties. Private financial interests must not be furthered as a result of your official position, for example in buying and selling surplus government property. Managers must be made aware of any business interests to prevent a perceived conflict of interest. It is also important to note that trading from official premises is not permitted. Defrauding the Department or colluding with someone else to do so will be treated as gross misconduct and will result in disciplinary action. Action will also be taken to recover the funds and refer the case to the police or other appropriate authority.

49. If you have been, or become, bankrupt or insolvent, or you are experiencing serious financial difficulties, you must tell your manager who will consider any implication on your current role.

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## **Information Security**

### **Official information and access to Data**

50. Official Information is any information acquired in the course of your official duties. It may include information about customers, DWP employees, government, ministers or information generated within the Department to support its business.

51. Official information includes all documents and employee and customer personal information, irrespective of whether it has a security or protective marking must be kept securely. Employees must not disclose official information inappropriately.

52. In line with local business guidelines, official information must be locked away securely while not being used. It must also be disposed of correctly.

53. Official documents must be handled in line with the Civil Service Code and Departmental policies about confidentiality, handling official information, and [protective markings](#) and disclosure of information.

### **Disclosure of Official Information**

54. You are expected to treat all official information gained through your employment in accordance with Departmental and Civil Service the rules on:

- [Confidentiality](#)<sup>web</sup>
- [Protective markings.](#)
- [Handling official information](#) and
- [Disclosure of information](#)<sup>web</sup>

55. You must not use official information, whether security marked or not or if it is of a sensitive nature for any purpose other than that for which it is intended. You must not pass it on or make it available to any person who does not have a legitimate business interest including other DWP colleagues, without the express permission of your line manager or if

they are unsure the author of the document. Grade 7 (Band F) managers and above do not need permission.

56. In certain circumstances there may be exceptions to the above rule and these are set out in the [Handling Official Information](#) guidance. Please note that these requirements do not affect your right to make a protected disclosure under the [Public Interest Disclosure](#)<sup>web</sup> provisions of the Employment Rights Act 1996 and requests under the Freedom of Information Act.

57. Care must be taken when sending information by post and e-mail. Ensure the correct information is enclosed or attached and that appropriate protective markings are used. Staff and customer data sent electronically in accordance with the policy must be password protected.

58. Care must be taken when sending official information by SMS text messaging, whether from [mobile phones or any other mobile device](#). If using an authorised IT texting system (e.g. Rapide) the [SMS Text Messaging guidance](#) must be followed. SMS text messages must be professional, must not include sensitive or personal information or include any content that might bring embarrassment to the Department or colleagues.

59. Employees who disclose official information without authorisation and by failing to follow these Standards of Behaviour or any other rules about the security and confidentiality of documents, records, official and personal information and data will be subject to disciplinary action.

60. Disciplinary action on disclosure of information will only be taken after an [HR Expert](#) has been consulted

### **Complying with the Data Protection Act**

61. All information we hold on employees will be kept in compliance with legislation including the [Data Protection Act](#)<sup>web</sup> (DPA). You must consult your manager if in doubt about [Data Protection](#).

62. The main elements of the DPA are to ensure that:

- Personal data must be processed fairly and lawfully and in accordance with the Data Protection Act
- That only appropriate individuals have access to other people's personal data and use that only for legitimate reasons
- Data is retained for the appropriate amount of time as determined by the needs of the business
- An individual can request to see information stored by the Department about them by making a subject access request

### **Computer Systems and Access to Data**

63. The Department provides computer systems to enable you to do your job effectively. You are required to use the appropriate systems of the Department and you must use the computer systems and the data they contain only for the designated purposes required for your job.

64. You must not under any circumstances **access**, or **attempt to access**, your own records as a DWP customer or the records of friends, family members or ex-partners on any Departmental computer, paper file or benefit system. You must not access the records of other customers including celebrities, even to find an address or birthday without authorisation and a legitimate reason. Access without authorisation or legitimate reason is a disciplinary offence. Failure to comply is extremely serious. It will result in disciplinary action and can lead to dismissal. Employees can access their own employee record on the Departments RM computer system as part of the self service function.

65. You must not approve your own notifications using the Department's Resource Management system unless a specific policy permits you to do so. Disciplinary action will be considered if you fail to follow policy guidance. Delegated access to approve notifications can only be made in line with Resource Management guidance. You must be mindful of the following standards, among other things, when using the Internet or e-mail facilities:

- You may use Internet or e-mail facilities for reasonable personal use in your own time and providing it does not interfere with your work
- You must not access any [information on the Internet](#) that is offensive or would/could be an embarrassment to the Department. In particular you are forbidden to access pornographic sites or those containing racist or other offensive content
- You must not send e-mails that contain offensive messages or content, either from within or into the gsi network. The Department reserves the right to routinely scan for potentially offensive and inappropriate material and to review e-mails you send within or into the Department's systems
- You must not send an email that has a [protective marking](#) of RESTRICTED or higher outside the GSI network ( or other trusted network ) without encryption unless the information falls within one of the exceptions outlined in [Security Notice 01/11](#). Disciplinary action will be taken if protectively marked information that is not covered by one of the exceptions within Security Notice 01/11 is emailed over the Internet without encryption. It is your responsibility to ensure that an exception applies to you before you use it. If you are not authorised to use an exception disciplinary action will be taken against you.
- You must also not undertake activities that impair the operation of the computer, nor attempt to personalise the system in any way by installing software or screensavers. If any incident has occurred that compromises security, you must tell your manager immediately
- To maintain the integrity of the Department's computer systems, it is also important that you comply with all computer security controls. In particular, you must keep your password confidential, ensure that your Smartcard card is only used by yourself and that the answers to your security questions are not written down or otherwise accessible to anyone else.
- **Do not leave your smartcard unattended at any time.** If you move away from your work station take your smartcard with you or lock it away securely. If you repeatedly fail to protect your smartcard it will result in disciplinary action.
- You must not use unencrypted memory sticks (USB sticks) in any circumstances - even if the data being stored would not be considered as sensitive. Using unencrypted memory sticks or sharing them with others will result in disciplinary action.
- You must comply with the information on the use of computer systems that is included in the [Electronic Media Policy](#).

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## Non Executive Directorships

### Considering an Appointment

66. DWP encourages its employees to consider broadening their experience by becoming involved in outside organisations, particularly by experiencing how a company operates at Board level and deals with problems. However, this needs to be managed appropriately and any risk, such as being considered a shadow director, should be mitigated. If the employee is considered to be a shadow director, they must:


- Consult their manager to consider if the risk is justified
- Obtain written consent from their manager
- Take steps to reduce their influence
- If appropriate, withdraw from contact with the company

### **Applying for an Appointment**

67. If the employee is already involved in a company or organisation of which DWP has never been notified they should:

- Seek advice from an [HR Expert](#) immediately
- Obtain a letter of appointment from the company or organisation to give to their manager
- Check their insurance cover as there may be financial consequences for both the Department and themselves

68. For new appointments, the employee should write to their manager giving:

- Details of the appointment
- Details of the duties to be undertaken
- The time commitment involved e.g. frequency of Board meetings, extra time to carry out the additional duties and the length of the appointment
- Details of whether a suitable directors' liability insurance policy is in place (attaching a copy or attach an [application form](#)  to apply for indemnity by the Department)
- An assessment of the benefit to them as an individual and to Department
- Details of whether the Company is listed on the London Stock Exchange or any other regulated market

69. Before making a decision on the appropriateness of any appointment, a manager can contact an HR Expert for advice. If the employee is granted permission, the manager should confirm this decision in writing, and arrange for a copy to be stored on the employee's personal file via Employee Services.

### **During an Appointment**

#### **Payment of fees**

70. If a company does pay a fee commensurate with an employee's duties, it must be paid direct to the Department and not to them individually.

71. A fee for the time spent as a director must not be accepted, except for reimbursement of expenses

72. Any company performance-related profit sharing or pension plans must not be participated in

### **Liability**

73. If an employee is unclear about whether they should apply for DWP indemnity, they can seek further advice by contacting an [HR Expert](#) or Employee Shared Services.


### **Civil liability**

74. Indemnity can be obtained through the department to cover the employee for financial liability as non-executive director or similar position if it is **directly connected** with DWP work.

75. The indemnity applies to financial liabilities arising through negligence but not through bad faith or wilful default (whereby an employee knowingly does not fulfil responsibilities and duties).

76. It does not apply if the employee is otherwise indemnified against liability by any other person or company and only applies to non-executive directorships.

77. To apply for indemnity the employee must:

- Complete the [application form](#) 
- Submit a copy of the duties to be undertaken
- Submit an assessment of benefit to the DWP and to them as an individual
- Send the completed form to their manager

78. A manager can contact an HR Expert for advice on whether to grant indemnity. If indemnity is granted, the manager should confirm the decision in writing and arrange for a copy to be stored on the employer's personal file via Employee Services.

### **Criminal liability**

79. The employee will not be covered by DWP indemnity insurance if criminal charges are brought involving wilful default or bad faith.

80. The Department may be able to indemnify the employee against strict liability. Strict liability means an individual can be found guilty even though they have done nothing reprehensible or morally wrong. However, each case will be considered on its individual merits.

81. The Department may also help with legal representation and pay for some or all of the legal costs.

82. If the employee is sued for damages, the Department will provide legal representation by a solicitor as long as you were acting within the scope of their employment and have given the solicitor all the information they require

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## **Political Activity**

### **Areas of Political Activity**

83. Specific rules apply to the political activities of civil servants, full details of which can be found in [section 4.4 of the Civil Service Management Code](#). There are two areas of political activity

- National Political Activities
- Local Political Activities

84. National political activity is defined as activities undertaken at either local or national level on behalf of a national political party. Local political activities are independent or are carried out on behalf of a local organisation, which is not affiliated to a national political party.

85. Civil Servants are expected to take care to express political comment with moderation, avoiding comment on matters of controversy for which their own Ministers are responsible. Permission is not required to take part in activities organised by the Trade Union but it is expected that Trade Union representatives will make clear that they are expressing views on behalf of the Trade Union and not as Civil Servants when commenting on matters of policy. Civil Servants must not take part in political activity when on duty or on official premises.

### **Restrictions on Political Activity**

86. Employees should be aware that:

- All employees are grouped into four categories: politically free, politically restricted, intermediate and sensitive areas/posts. These categories determine the restrictions on their political activity and are described in the [Restrictions on political activity table](#)
- Employees may not be allowed to take part in local politics if their work involves representing the Government or the Department in dealings with local authorities. This is particularly true if they have, or appear to have, influence in the application of government policy affecting them
- Employees may be able to take part in particular activities subject to particular restrictions at both national and local level
- All Civil Servants are disqualified from election to Parliament (House of Commons Disqualification Act 1975) and from election to the European Parliament (European Assembly Elections Act 1978). Therefore, employees must resign from the Department before standing for election

87. Employees must also ensure that:

- They do not take part in any political activities at work, on official premises, or while wearing anything that would identify them as a Departmental employee
- They do not use public resources for party political purposes
- They do not comment on matters of controversy which fall within Ministers' responsibility
- They do not attend (in an official capacity) any outside conferences or functions organised or supported by a party political organisation.

### **Applying for Permission for Political Activity**

88. If an employee belongs to the politically free group they have standing permission. See [Political categories by employee](#) Table for definitions. In other cases, employees must apply in writing to their manager before taking up **any** political activity, including if they are standing again for a post where permission has previously been given. Employees in the Sensitive Area/Posts group should not be allowed to undertake political activities. The application should:

- Give full details of the type of activities they wish to be involved in and how they relate to their job responsibilities
- State when their involvement in political activities will start and how long it will last

- Indicate whether their normal working hours will be affected
- Include a request for permission to complete a current term of political office even if they move band/grade/specialist grade or change posts in a way that affects their employee grouping

89. If they wish to be nominated for election or co-option to a local authority/local party, they must include in the application:

- An indication of how far the area covered by the authority/party area relates to their job responsibilities
- The name and description of the local authority/local party
- The distance and position of the local authority/party in relation to their home and office
- Geographical areas of work that overlap with the local authority's area/party area or where there are any common boundaries - the most helpful way to do this is on a sketch map showing the areas, mileages etc
- The number of local authority/local party geographical areas they deal with in their work for the Department

### **Granting Permission for Political Activity**

90. Permission must be notified to the employee in writing. Additionally, they should be advised that:

- When taking part in political activities they should observe the general rules of behaviour that apply to all Civil Servants and comply with the [Civil Service Code](#)<sup>web</sup> keeping to the requirements of the Official Secrets Act
- If they do not comply with these rules they will be subject to disciplinary action
- The employee must tell their manager if there is a change in their circumstances as permission given can be withdrawn at any time and without prior notice if their circumstances change
- The employee should tell their manager of the outcome of standing for election or co-option or if they are elected to a local authority

### **Refusing Permission for Political Activity**

91. Upon refusal of permission, the manager should:

- Give a full explanation of the reasons for the decision
- Explore the possibility of transferring the employee to another post if they currently work in a sensitive area
- Make the employee aware that they may be subject to disciplinary procedures up to and including dismissal if they take part in any political activities after being refused permission
- Make the employee aware that they have the right to appeal to the Civil Service Appeal Board (CSAB). Employees should notify CSAB of their intention to appeal within 8 weeks of being given the final decision and send their full written submission within 4 weeks of the date of lodging the appeal.

### **Resignations due to Political Activity**

#### **Politically Free**

92. If politically free, employees:

- Do not have to immediately resign if they are adopted as a prospective candidate
- Must submit their resignation before giving their consent to nomination in accordance with the Parliamentary Election rules

### **Politically Restricted and Intermediate Groups**

93. Employees must resign from the Department on the formal adoption of their candidature or prospective candidature as an MP or MEP. This also applies if they are currently on secondment to an outside organisation. They must comply with the Servants of the Crown (Parliamentary, European Assembly and Northern Ireland Assembly Candidature) Order 1987

94. The provisions of the Order state that they must not give a speech to electors, publicly announce themselves, or allow themselves to be publicly announced, as a candidate or prospective candidate for election to Parliament or the European Assembly

### **Reinstatement**

#### **Politically Free**

95. If the employee is not elected, they will normally be reinstated from the date of application as long as they apply for reinstatement within a week of declaration day

96. If the employee is elected, they may apply for reinstatement at the end of their term of office. They will be entitled to reinstatement if they satisfy the following criteria:

- Apply for reinstatement within 3 months of ceasing to be a Member of Parliament (MP) or Member of the European Parliament (MEP)
- Have at least 10 years or more actual Civil Service employment before their resignation
- Cease to be a MP or MEP after an employment absence of 5 years or less from the Department
- If they do not satisfy these qualifying conditions for reinstatement, circumstances of their case will be fully and sympathetically considered on its merits
- If they are reinstated, the period of the break will not count for pay or superannuation purposes.

### **Politically Restricted and Intermediate Groups**

97. If the employee resigned because they were adopted as a candidate or prospective candidate, they cannot normally apply for reinstatement in the Civil Service.

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### **Standards of Behaviour Advice**

[Q1 When should employees wear a building photo pass?](#)

[Q2. How is Unauthorised Absence recorded?](#)

[Q3 What is the distinction between acceptable and unacceptable gifts?](#)

[Q4 What is insubordination?](#)

[Q5 How does an employee judge whether there is a conflict of interest between their DWP role and their outside interests?](#)

[Q6 How does an employee judge whether there is a conflict of interest between their DWP role and their non-executive directorship role?](#)

[Q7 What should be considered when an employee requests permission to accept an outside business appointment?](#)

[Q8 What is a shadow director?](#)

[Q9 For political activities which group will an employee be in while on temporary duties?](#)

[Q10 What change in circumstance would justify a withdrawal of permission to be involved in political activities?](#)

[Q 11 What does a manager do if a complaint is received from a member of the public about the conduct of an employee?](#)

[Q12. What rights do I have to appeal to the Civil Service Appeal Board \(CSAB\)?](#)

[Q13 Are TU reps allowed to use DWP facilities when engaged in their TU activity?](#)

### **Q1 When should employees wear a building photo pass?**

At locations where building photo passes are issued, employees should produce their pass for inspection on entry to the building when required and at all times wear and display it whilst on site. If employees visit another DWP site they must comply with the local security policy. Employees should not feel embarrassed in challenging or reporting anyone not wearing an official pass. Employees that work in public caller areas or at reception counters are not expected to wear their photo pass when dealing with members of the public.

### **Q2 How is Unauthorised Absence recorded?**

The manager will need to record the [unauthorised absence](#) by the fifth working day of unauthorised absence to stop payment from the first day. Pay should be suspended until the manager makes contact with the employee and until appropriate evidence for absence is provided by the employee. The 'Record [Unauthorised Absence](#)' [job aid](#) gives instruction on how to record unauthorised absence.

If a reply is still not forthcoming within 5 working days from the date of the letter, the manager must take account of all the circumstances and consider whether or not dismissal action is appropriate.

### **Q3 What is the distinction between acceptable and unacceptable gifts?**

In general gifts should be refused, especially where the gift is of a cash or cash equivalent (e.g. gift vouchers or discounts).

Small gifts such as pens, calendars, diaries from outside organisations or chocolates from a grateful customer are permissible, as are offers of conventional hospitality providing they are reasonable and appropriate to the circumstances i.e. coffee and biscuits at meetings and

working lunches to further outstanding business. Gifts and hospitality of this nature do not need to be recorded.

Invitations of a social nature from private sector companies with whom the DWP has business, for example, to events such as dinners, lunches, theatre and concert tickets should normally be declined. Invitations can only be accepted when it can be shown that attendance is in the interests of the Department and is approved by management.

#### **Q4 What is insubordination?**

Insubordination is an act of an employee wilfully refusing to carry out reasonable requirements of the post or management requests. This may also show itself if the employee expresses views in an inappropriate fashion.

#### **Q5 How does an employee judge whether there is a conflict of interest between their DWP role and their outside interests?**

If an employee is in any doubt about whether there is a possible or perceived conflict of interest regarding their role at the DWP and their outside interests they should discuss this with their manager. For second jobs such as self-employment, consultancy or working for a partner's company employees should bear in mind that this should not interfere with their ability to conduct their role at the DWP and should still enable them to have the appropriate rest and relaxation time.

#### **Q6 How does an employee judge whether there is a conflict of interest between their DWP role and their non-executive directorship role?**

Conflicts of interest can arise at any time through varied circumstances and could lead to allegations of unfair trading or making use of inside information, which is against the law. For example, if through a role at the DWP employees may know commercially sensitive information relating to competitors of the company. Additionally, they may be involved in decisions around the spending of government funds granted through other government departments.

Also by becoming privy to information through their role at the Company, their impartiality and integrity as a DWP employee could be compromised and could give rise to conflicts of interest.

#### **Q7 What should be considered when an employee requests permission to accept an outside business appointment?**

The nature of the contact an employee had with the prospective employer whilst employed with DWP will inform the decision as to whether permission is granted. It is important that any such offer is discussed to identify whether there is any potential conflict of interest.

Particularly if the employee has had dealings during the last two years of their Crown employment with the receipt of tenders or the awarding of contracts, giving advice about contracts or having access to confidential information or trade secrets about their prospective employer's competitors.

#### **Q8 What is a shadow director?**

An employee could be classified as a 'shadow director'; if a company is accustomed to acting on their direction or instruction even if they have not been formally appointed. In such a case, the employee could also be charged with all the legal responsibilities of a director.

**Q9 For political activities which group will an employee be in while on temporary duties?**

If an employee is working in a higher grade on a temporary basis (TDA), they will be grouped according to their substantive pay band/specialist grade. They will have to give up political activities if their temporary duties involve working in a [sensitive area](#).

**Q10 What change in circumstance would justify a withdrawal of permission to be involved in political activities?**

Employees would be expected to give up their political activities if they move to a [sensitive](#) area of work or if permission cannot be granted or resign from the Department before standing for election to Parliament or the European Assembly.

**Q 11 What does a manager do if a complaint is received from a member of the public about the conduct of an employee?**

Managers should refer to the procedures on [handling complaints against staff](#) for further details.

For complaints relating to Harassment, Discrimination or Bullying please consult the [other complaints guidance](#).

**Q12. What rights do I have to appeal to the Civil Service Appeal Board (CSAB)?**

The Civil Service Appeals Board (CSAB) closed down in 2011, and no longer accepts dismissal appeals. Individuals who have been dismissed from the Civil Service on or after 1st December 2010 cannot therefore appeal to the CSAB. Instead, they can apply to [an employment tribunal](#)<sup>web</sup>.

A number of functions carried out by the CSAB continue. The rights to appeal in these areas is unaffected by the decision to abolish the CSAB and existing rules and deadlines apply.

These functions are:

- forfeit of superannuation;
- refusal to take part in political activities; and
- the part, or non-payment of compensation under the Civil Service Compensation Scheme to those dismissed on efficiency grounds.

Appeals that meet the above criteria should be made via the [Civil Service Appeals Board website](#)<sup>web</sup>.

**Q13 Are TU reps allowed to use DWP facilities when engaged in their TU activity?**

Trade union representatives are allowed use of departmental facilities when engaged in their Trade Union activities to the extent described in the DWP Employee Relations Framework.

This includes the use of premises, notice-boards and E-Mail, but they must comply fully with the provisions of the Department's Electronic Media Policy and Standards of Behaviour and use is limited to:

- communications with managers on employee relations issues
- selective consultation with other representatives or individual union members on employee relations issues or personal cases within the Department;
- notification of Union meetings for which facilities have been granted,
- purposes directly related to industrial relations issues within the Department. This is defined as matters covered by Appendix 1 of the Employee Relations Framework
- distribution of literature which is of general interest to members and officially sanctioned by the Trade Union. Articles being distributed on using Departmental facilities must maintain political impartiality. It will usually be more appropriate to direct members to read such articles on the PCS website.

TU representatives must not use facilities to:

- distribute or display literature or information that:
  - is not officially sanctioned by the Trade Union and/or is not reflective of official union policy;
  - in management's view is offensive, abusive, derogatory or illegal or encourages or publicises industrial action or political opposition to Government policy. It is important to remember that in determining whether something is offensive, the test is how the article is received, not how it was intended. As this is unavoidably subjective representatives are therefore advised to err on the side of caution. An article will be classed as abusive if it employs insulting or excessive language or if it names or enables identification of any individual or group being singled out for criticism or condemnation.
- circulate material to non - union members or to staff who have not asked to receive it, though this does not preclude use of a notice board.
- conduct activities proscribed by the facilities agreement