



**CABINET
OFFICE**

Directory of Civil Service Guidance



Volume 1: Guidance Summaries

2000

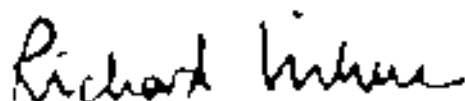
Foreword By Sir Richard Wilson Head of the Home Civil Service and Cabinet Secretary

I am delighted to introduce this first edition of the Directory of Civil Service Guidance. It replaces Guidance on Guidance, which was last published in February 1996, and incorporates much material which was previously contained in the Head of Department's Personal Handbook.

I hope that by making this guidance more widely available it will give colleagues much better access to the principles and practice which guide the way in which the Civil Service does its work.

I would stress that the main focus of the Directory is guidance. It reflects important and useful accumulated wisdom which has been built up over the years, but it should not be regarded as a rigid set of rules. While the Directory may indicate the key principles, it cannot and does not seek to provide a blueprint for every situation. Every new issue that confronts us has its own particular circumstances and must be judged on its own merits.

We shall continue regularly to up-date the Directory in the light of experience. We have included contact details with each entry in case you wish to give feedback on your experience with the guidance or need to check the latest position.

A handwritten signature in black ink that reads "Richard Wilson". The signature is written in a cursive style with a large initial 'R'.

Introduction

1. The Directory of Guidance is designed to help civil servants to find central guidance on a variety of topics. All readers will be aware of some of the guidance which is summarised and listed, not everyone will have come across all of it.
2. The format is short, concise and we hope user-friendly. The list of guidance is not comprehensive, and users should not rely on it in those specialised fields such as personnel, resource and financial management where established networks set out to provide the specialist divisions within departments with up-to-the-minute information. Central guidance on such matters is already drawn together in such standard manuals as the Civil Service Management Code, and Government Accounting, as well as in specific Dear Accounting Officer letters which are issued from time to time. On such topics staff should go first to their departmental personnel or finance divisions, and then if necessary to the relevant Cabinet Office or Treasury Division for more detailed guidance. Nor is the guidance intended to replace the departmental handbooks produced by many departments and agencies to guide staff on their specialised business and functions.
3. The Directory of Civil Service Guidance is in two volumes:
 - Volume I: Guidance Summaries** short summaries of guidance on a wide range of issues. On most topics, where the standard guidance will be widely available, the entry simply refers to it. In some cases, fuller guidance is not widely available here the entry refers to a more substantial account which is set out in Volume II;
 - Volume II: Collected Guidance** a collection of selected central guidance (reproduced in full) which is not already available in other self-standing documents.
4. Further advice on guidance sources may be obtained from the Central Secretariat in the Cabinet Office (telephone 020 7270 1864). The Directory is also available on the internet at www.cabinet-office.gov.uk/guidance. Updates and new guidance entries will be posted on that site. We do not expect to publish a further hard copy. Users should therefore be aware that over the course of this year, as a result of a series of accommodation moves, telephone numbers in the Cabinet Office will change from those listed in the hard copy (the internet version will of course be updated). The changes will be well-publicised within the Civil Service and, for the first 12 months, calls made to the numbers listed will be automatically transferred to the new telephone number. For a further 3 months, callers to the old numbers will hear a recorded message directing them to the central operators. The old numbers will then be reassigned.
5. We would be grateful for any comments on the scope, organisation, completeness and accuracy of the text, which should be sent to Cabinet Office, Central Secretariat, 4 Central Buildings, Matthew Parker Street, London, SW1H 9NL. (Email: jburnett@cabinet-office.x.gsi.gov.net).

Central Secretariat

April 2000

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Attachments to MPs

Civil servants sometimes shadow an MP's work for a few days as a training opportunity. In the course of their attachment, particular issues of propriety may arise, related to political impartiality, conflicts of interest and so on. The Cabinet Office issues guidance on these points to participants.

Contact points:

- > Interchange Unit, Cabinet Office (tel. 020 7270 1842) and Central Secretariat (tel. 020 7270 1987)

Attitude surveys of civil servants

In their official capacities, civil servants must not take part in surveys or research projects that deal with attitudes or opinions on political or policy matters. This applies even if participation cannot be attributed to individuals. The purpose of this rule is to prevent research findings being presented as a Civil Service view on a matter on which only the Government or the devolved Administrations can properly hold a view. This in turn fulfils the obligation on civil servants (set out in paragraph 9 of the *Civil Service Code*) to conduct themselves so as to deserve the confidence of the current or any future Administration.

The rule does not prevent participation in all outside surveys, nor does it preclude civil servants from participating in surveys as private citizens. It should not inhibit departmental surveys of staff attitudes on management matters. Trade unions are entitled to establish the views of their members for the purposes of bargaining or lobbying, though this does not extend to views on matters of policy.

Further guidance:

- > Section 4.2 of the Civil Service Management Code, available at www.cabinet-office.gov.uk/civilservice/index/publish.htm, or the equivalent passage in your staff handbook

Contact point:

- > Personnel Management and Pay Division, Cabinet Office (tel. 020 7270 1989)

Better Quality Services

The Better Quality Services (BQS) programme aims to deliver continuous improvement in the quality of public services and their value for money. This involves systematically reviewing current arrangements in departments, agencies and executive Non-Departmental Public Bodies and putting better ones in place. All services and activities, including policy and headquarters functions, are reviewed over a five-year period.

The BQS Handbook provides guidance on the conduct of reviews and resulting contracting out and market testing.

Further guidance:

- > Better Quality Services: A handbook on creating public/private partnerships through market testing and contracting out (The Stationery Office, 1998, £19.90, ISBN 011 630964 6), also available at www.cabinet-office.gov.uk/eeg/1999/services.htm

Briefing for and attendance at events run by organisations with party political links

- > Better Quality Services: Guidance for Senior Managers (The Stationery Office, 1998, £5, ISBN 011 430152 2), also available at www.cabinet-office.gov.uk/eeg/1999/services.htm

Contact point:

- > Effective Performance Division, Cabinet Office (tel. 020 7270 6271, e-mail kpacker@cabinet-office.x.gsi.gov.uk)

It is an established principle set out in the *Civil Service Code* that civil servants should not engage in activities likely to call into question their political impartiality, or to give rise to criticism that people paid from public funds are being used for party political purposes. Care should therefore be taken to establish whether and how this important principle can be upheld when considering invitations to, or requests for speeches/briefing for: events which may have a party political dimension (eg party conferences); organisations, study groups and think tanks at the margins of party politics; and general briefing to MPs, MSPs, National Assembly of Wales Members, Northern Ireland Assembly Members and MEPs. As a general rule of thumb, if the briefing facility can be offered on an all-party basis then the principle can be upheld.

Further guidance:

- > Briefing for and attendance at events run by organisations with party political links, *Directory, Volume II*

Contact point:

- > Central Secretariat, Cabinet Office (tel. 020 7270 1987)

Business appointments after leaving Crown Service

The Business Appointment Rules govern the acceptance of outside appointments by civil servants, including special advisers, and other Crown servants. Naturally, there must be no question of serving officials being ready to bestow favours on firms in the hope of future employment. The rules are also designed to guard against the risk that a particular firm might be thought to be gaining an unfair advantage over its competitors by employing an official, who, during his or her service, had access to technical or other information which those competitors could legitimately regard as their own trade secrets, or had access to information on impending developments in government policy that could be useful to the new employer. (There is a similar business appointments system, though it operates on a voluntary and advisory basis, for former Ministers.)

Further guidance:

- > Section 4.3 of the Civil Service Management Code, available at www.cabinet-office.gov.uk/civilservice/index/publish.htm

Contact point:

- > Office of the Advisory Committee on Business Appointments (tel. 020 7270 1996)

Cabinet Committee Business

Policy and other proposals will require collective consideration by Cabinet or a Cabinet Committee where the issue raises major policy concerns, where it is likely to lead to significant public comment or criticism, or where Ministers have failed to resolve a conflict between departments through correspondence and discussions. *Cabinet Committee Business: A Guide for Departments* expands on these principles, and the relevant Cabinet Office Secretariat can advise on the appropriate procedure for individual cases.

Further guidance:

- > Cabinet Committee Business: A Guide for Departments, at www.cabinet-office.gov.uk/cabsec/local.htm

Contact points:

- > The relevant Cabinet Office Secretariat: Economic and Domestic (tel. 020 7270 0091), European (tel. 020 7270 0141), Defence and Overseas (tel. 020 7270 0107) or Constitution (tel. 020 7270 5911)

Channel Islands and Isle of Man

These are not part of the United Kingdom or, for most purposes, the European Union. All contact with the Insular Authorities should, unless other arrangements have been agreed, be through the Home Office.

Further guidance:

- > Annual memorandum from the Home Office to all departments, available at www.homeoffice.gov.uk/ccpd/cnu/chanman.htm

Contact point:

- > Constitutional Unit, Home Office (tel. 020 7273 3534)

Charter Mark award scheme

Charter Mark is the Government's award scheme for encouraging and rewarding excellent public services. The scheme is open to all public sector organisations that deliver services direct to members of the public. It focuses on the outcome for the customer, and organisations are assessed against ten criteria, which deal with aspects such as service standards, access and choice, fair treatment, the effective use of resources and an accessible complaints and redress system. There are now over 1,200 Charter Mark holders from public services across the UK. To encourage more applications, focus has been placed on quality feedback to applicants, and there is also a self-assessment pack (details are available by calling 0345 22 32 42) to help services prepare for formal application.

Further guidance:

- > A guide to quality schemes for the public sector (covering the EFQM Excellence Model^{fi}, Investors in People, Charter Mark, and ISO 9000);
- > Charter Mark guide for applicants
Available at www.servicefirst.gov.uk/index/markhome.htm or by calling 0345 22 32 42

Contact point:

- > Modernising Public Services Group, Cabinet Office (tel. 020 7270 6306)

Charters

> Central government departments, agencies and Non-Departmental Public Bodies involved in delivering services to the public, as well as local service providers, are encouraged to draw up charters as a way of improving access to public services and promoting quality. Key features of a charter include: a statement of the standards of service users can expect to receive; the arrangements for seeking a remedy should something go wrong; and brief information on the service provided. A **national** charter is one that applies to services across the UK or to England, Northern Ireland, Scotland or Wales. A **local** charter is one that relates to a service delivered in a local area and is tailored to the local audience.

Further guidance:

- > How to draw up a national charter
- > How to draw up a local charter (aimed primarily at local public service managers)
Available at www.servicefirst.gov.uk/index/library.htm or by calling 0345 22 32 42

Contact point:

- > Modernising Public Services Group, Cabinet Office (tel. 020 7270 1965)

Civil servants speaking at conferences: charging policy

> Civil servants participation in conferences run by commercial organisations must be decided on the merits of the case, based upon whether the event provides a suitable platform for the department and meets a genuine need. There is a strong presumption in favour of full-cost charging, at least where the event is run by a for-profit organisation. The presumption should only be waived where there is a need for a platform or when the nature of the occasion makes it appropriate.

Contact points:

- > Personnel sections
- > Personnel Management and Pay Division, Cabinet Office (tel. 020 7270 5461)

Civil Service Code

> The *Civil Service Code* is the key statement of the rights and responsibilities of civil servants. The *Code* is part of the terms and conditions of employment of all civil servants.

Under the terms of the *Code*, civil servants are required to conduct themselves with integrity, honesty, impartiality and objectivity.

Civil servants who believe that they are being required to act in a way which conflicts with the *Code*, or who become aware that others are acting in such a way, should raise the matter initially with nominated officials in their organisation. (Contact details for nominated officers should be set out in the Appeals section of the relevant staff handbook.) If individuals are unhappy with the response, they can raise the matter direct with the independent Civil Service Commissioners.

Civil Service Management Code

Further guidance:

- > Civil Service Code, available from personnel sections, at www.cabinet-office.gov.uk/central/1999/cscode.htm or from the Central Secretariat
- > Appeal to the Civil Service Commissioners under the Civil Service Code, available from personnel sections or from the Office of the Civil Service Commissioners

Contact points:

- > Central Secretariat, Cabinet Office (tel. 020 7270 1987)
- > Office of the Civil Service Commissioners (tel. 020 7270 5065 / 5066)

> The *Civil Service Management Code* sets out regulations and instructions to departments, agencies and the devolved administrations in Scotland and Wales on the terms and conditions of civil servants, and the delegations with attached conditions that the Minister for the Civil Service has made under the Civil Service (Management Functions) Act 1992. Where discretion is given to determine terms and conditions, the *Management Code* sets out the rules and principles which must be adhered to in exercising those discretions. It does not, of itself, set out terms and conditions.

Further guidance:

- > Civil Service Management Code, available from personnel sections or at www.cabinet-office.gov.uk/civilservice/index/publish.htm

Contact points:

- > Personnel sections
- > Personnel Management and Pay Division, Cabinet Office (tel. 020 7270 6335)

Civil Service participation in the New Deal

> The New Deal aims to find work and improve the prospect of remaining in employment for 18 to 24 year olds who have been unemployed for six months or more, and over 25 year olds unemployed for two years or more. Ministers have decided that public sector employers (including the Civil Service) should participate in the New Deal. However, they have emphasised that there should be no suggestion of public sector make work because the purpose of the New Deal programme is to improve employability in the labour market as a whole.

Further guidance:

- > Welfare to Work: The New Deal: Guidance on Civil Service participation as an employer provides detailed guiding principles for departments, agencies and devolved administrations to encourage their involvement. Available from the contact point below

Contact point:

- > Personnel Management and Pay Division, Cabinet Office (tel. 020 7270 5461)

Civil Service Reform

> Sir Richard Wilson's proposals to the Prime Minister for modernising the Civil Service were published on 15 December 1999. The report sets out how the Civil Service intends to take forward the commitment in the *Modernising Government White Paper* to create a Civil Service for the 21st Century. Permanent Secretaries have committed themselves to action on the basis of six key themes: stronger leadership with a clear sense of purpose; better business planning from top to bottom; sharper performance management; a dramatic improvement in diversity; a Service more open to people and ideas, which brings on talent, and a better deal for staff. There will be a formal progress report in November 2000.

Further guidance:

- > Civil Service Reform Report and the reports of four subgroups on Vision and Values, Diversity, Performance Management and Bringing in and Bringing on Talent are at www.cabinet-office.gov.uk/civilservice-reform/2000/index.htm
- > See entry on Modernising Government.

Contact point:

- > Change Management Division, Cabinet Office (tel. 020 7270 6368)

Codes of conduct for NDPB staff

> All executive NDPBs must have codes of conduct in place for their staff. Codes should cover private interests and possible conflicts with public duty; the acceptance of gifts and hospitality; the disclosure of official information; political activity; and procedures for staff to raise concerns about improper conduct. Codes of conduct should be publicly available on request.

Further guidance:

- > Model Code for Staff of Executive Non-Departmental Public Bodies, available from the Central Secretariat, Cabinet Office on 020 7270 1873

Contact point:

- > Central Secretariat, Cabinet Office (tel. 020 7270 1892)

Codes of practice for board members of NDPBs

> Board members of non-departmental public bodies (NDPBs) must adopt high standards of accountability and governance. All advisory and executive NDPBs are required to have a code of conduct in place which spells out the roles and responsibilities of board members and the standards expected of them. They are also required to include rules on resolving potential conflicts of interests, and to maintain a register of interests (which must be made publicly available).

Further guidance:

- > Guidance on Codes of Practice for Board Members of Public Bodies
- > Model Code of Practice for Board Members of advisory Non-Departmental Public Bodies
Available from the Central Secretariat, Cabinet Office (tel. 020 7270 1873)

Contact point:

- > Central Secretariat, Cabinet Office (tel. 020 7270 5303)

Command Papers (White and Green Papers)

Command Papers are papers presented to Parliament formally by Command of The Sovereign, but in practice by a Government Minister or Ministers. They are, in general, papers of interest to Parliament but where presentation is not a statutory requirement. Their subjects may be policy proposals or decisions, reports of Committees, texts of international treaties, Government responses to Select Committee reports, or reviews. Certain Command Papers are described as White or Green Papers. These terms are not precisely defined, but broadly speaking White Papers contain authoritative statements of Government policy, while Green Papers put forward proposals for consultation.

Further guidance:

- > [How to Publish a Command Paper](#) gives guidance on drafting and format, liaison with The Stationery Office Ltd. on printing and publication, and arrangements for presentation to parliament and publicity. Copies are available from Parliamentary Branches or from the contact point below.

Contact point:

- > HMSO, Cabinet Office (tel. 01603 723020)

Commissioner for Public Appointments

The Commissioner for Public Appointments oversees Ministerial appointments to Non-Departmental Public Bodies (NDPBs). The Commissioner publishes a Code of Practice and guidance on the process of selecting and appointing board members to NDPBs, public corporations, nationalised industries, NHS bodies and the utility regulators. Sponsor departments must follow this guidance. The Commissioner, through her office and independent auditors, monitors compliance with the guidance and produces an annual report. The Government is committed to applying the guidance to other appointments where this is appropriate.

Further guidance:

- > [The Commissioner for Public Appointments Guidance on Public Appointments](#), available from the Commissioner's office, tel. 020 7270 5792
- > [Non-Departmental Public Bodies: A Guide For Departments](#), available from the Central Secretariat, Cabinet Office, tel. 020 7270 1873

Contact points:

- > Office of the Commissioner for Public Appointments (tel. 020 7270 1980)
- > Central Secretariat, Cabinet Office (tel. 020 7270 1892)

Committee on Standards in Public Life

The Committee on Standards in Public Life was set up by the (then) Prime Minister in 1994. It reports to the Prime Minister. Relations between Government and the Committee are co-ordinated centrally, and departments should generally consult the Central Secretariat, Cabinet Office before approaching the Committee.

The Committee's terms of reference are: to examine current concerns about standards of conduct of all holders of public office, including

arrangements relating to financial and commercial activities, and make recommendations as to any changes in present arrangements which might be required to ensure the highest standards of propriety in public life, and (added in November 1997) to review issues in relation to the funding of political parties, and to make recommendations as to any changes in present arrangements.

The Committee does not investigate individual allegations of misconduct.

The Committee has published reports on the following subjects: Parliament, Ministers, civil servants and quangos (First Report, May 1995); local public spending bodies (Second Report, June 1996); local government (Third Report, July 1997); and political party funding (Fifth Report, October 1998). The Committee has reviewed the implementation of part of its First Report and its Second Report (Fourth Report, November 1997), and published a review of the implementation of other aspects of its First Report in January 2000 (Sixth Report).

Further guidance:

- > See the Committee's website, www.public-standards.gov.uk
The Committee's publications are available from the Stationery Office (www.official-documents.co.uk)

Contact points:

- > Central Secretariat, Cabinet Office (tel. 020 7270 5303)
- > Secretariat to the Committee on Standards in Public Life (tel. 020 7270 5869)

Complaints handling

It is important for public sector organisations that deal with members of the public to handle complaints effectively. Key principles include: keeping procedures simple and avoiding long forms; giving personal and specific replies; being clear what remedies can be offered; and letting customers know about improvements made as a result of their complaints.

Further guidance:

- > How to deal with complaints (aimed primarily at local public service managers), available at www.servicefirst.gov.uk/index/library.htm or by calling 0345 22 32 42

Contact point:

- > Modernising Public Services Group, Cabinet Office (tel. 020 7270 6274)

Conduct and Propriety

Guidance for Ministers on conduct and propriety issues is set out in the *Ministerial Code* and *Travel by Ministers*. Guidance for civil servants on such issues is set out in the Civil Service Code, the Civil Service Management Code and staff handbooks. Additional guidance for Special Advisers on their roles and responsibilities is set out in the *Model Contract for Special Advisers*. The *Ministerial Code* and the revised *Armstrong Memorandum* are also relevant in relation to civil servants' relationships with Ministers. The conventions governing the work of the Government Information and Communication Service are set out in *Guidance on the Work of the*

Government Information Service. Additional guidance may be available for particular groups of specialists: for example for the legal profession there is *Guidance for Government Lawyers*.

Further guidance:

- > The Ministerial Code, the Civil Service Code, and Guidance on the Work of the Government Information Service are available at www.cabinet-office.gov.uk/central/index/cse.htm. They, as well as Travel by Ministers and the Model Contract for Special Advisers are also available in hard copy from the contact point below. (See separate entry for the Civil Service Management Code)

Contact point:

- > Central Secretariat, Cabinet Office (tel. 020 7270 1987)

Consultation techniques

Well-conducted written consultation exercises can help to make policy-making properly accountable and ensure that knowledge and experience are widely shared. The Cabinet Office has published a guide for departments, agencies and devolved administrations to help them meet these objectives. There are five guiding principles: build consultation into plans; consult early; write documents in simple language; give consultees time to reply; and report back on results.

Managers and staff responsible for delivering public services are also encouraged to consult their users in order to help plan services to meet users' needs, and prioritise services to make better use of resources. The Cabinet Office's guidance on the subject includes advice on different consultation methods to use, such as representative groups, focus groups, user panels and face-to-face interviews.

Further guidance:

- > How to conduct written consultation exercises – an introduction for central government
- > How to consult your users (aimed primarily at local public service managers) Available at www.servicefirst.gov.uk/index/library.htm or by calling 0345 22 32 42

Contact point:

- > Modernising Public Services Group, Cabinet Office (tel. 020 7270 6274)

Consulting other departments

When developing policy or preparing legislation, lead departments are responsible for consulting other departments with an interest at an appropriate stage and obtaining the necessary collective agreement. *The Policy Makers Rapid Checklist* includes a checklist of the principal issues on which particular departments must be consulted.

For major issues this may be done at Cabinet or Cabinet Committee level. *Cabinet Committee Business* explains when this is appropriate and what procedures should be followed. In other cases, or in preparation for a Cabinet or Cabinet Committee discussion, consultation between

departments may take place by less formal correspondence or discussion either at ministerial or official level as appropriate.

See also the entry on *Devolution* on consulting the devolved administrations.

Further guidance:

- > Policy Makers Rapid Checklist, at www.cabinetoffice.gov.uk/regulation/1999/checklist/intro.htm and on some departmental intranets
- > Cabinet Committee Business, available from the Economic and Domestic Secretariat, Cabinet Office (tel. 020 7270 0091) or at www.cabinet-office.gov.uk/cabsec/local.htm

Contact point:

- > Regulatory Impact Unit, Cabinet Office (tel. 020 7270 6017)

Contact with the media

It is the responsibility of the Head of Information and the Press Office in each department or agency to manage all relations with the press and the broadcast media. The relevant Press Office should be consulted on any contact between civil servants and the media, particularly in advance of any commitment to give broadcasts, interviews or press articles.

Further guidance:

- > Guidance on the Work of the Government Information Service (November 1997) at www.cabinet-office.gov.uk/central/1999/workgis.htm

Contact point:

- > The departmental Head of Information and Press or Publicity/Marketing Office

Contacts with Opposition parties

Contacts between senior civil servants and leading members of the Opposition parties are permissible within the general guidelines set out for briefing MPs (see *Briefing for and attendance at events run by organisations with party political links*, Directory, Volume II). Such contacts should always be cleared with departmental Ministers.

Towards the end of a Parliament, or when a General Election is called, special arrangements are put in place on the authority of the Prime Minister. These are designed to allow for confidential meetings between senior civil servants and leading members of the Opposition parties, to discuss factual questions relating to departmental organisational changes which Opposition parties may have in mind or which may result from their policies.

Further guidance:

- > Contacts between senior civil servants and the Opposition, *Directory*, Volume II
- > Briefing for and attendance at events run by organisations with party political links, *Directory*, Volume II

Contact point:

- > Central Secretariat, Cabinet Office (tel. 020 7270 1863)

Copyright: Crown copyright

> All works, whether published or unpublished, made by The Sovereign or by an officer or servant of the Crown in the course of his or her duties are subject to Crown copyright protection. The Crown may also own copyright in works that it has commissioned, if the commissioning body has obtained an appropriate assignment of copyright in favour of the Crown. The Controller of HMSO holds and exercises Crown copyright on behalf of The Sovereign, as Queen's Printer of Acts of Parliament and Government Printer for Northern Ireland. Acting in her capacity as Queen's Printer for Scotland, the Controller also undertakes similar responsibilities for Crown copyright material originated by the Scottish Administration.

Permission to reproduce Crown copyright material may only be granted by the Controller, by the HMSO Copyright Unit acting on behalf of the Controller, or by departments to whom the Controller has given specific delegated authority. If there is any doubt as to whether a department has the necessary delegated authority, the HMSO Copyright Unit should be consulted.

Further guidance:

- > Letter to Establishment Officers on Crown copyright (DEO(PM)(96)(3)), available from the contact point below and at www.hmso.gov.uk/estab.htm
- > A series of guidance notes covering Crown copyright issues, available from the contact point below and at www.hmso.gov.uk/guides.htm

Contact point:

- > HMSO, Cabinet Office (tel. 01603 621000, e-mail Mferre@cabinet-office.gov.uk)

Copyright: Crown use of non-Crown copyright material

> Civil servants must take care about reproducing copyright material which is not owned by the Crown, even for internal use. The legal position is set out in the *Copyright, Designs and Patents Act 1988*. It provides for the concept of Fair Dealing, which allows limited copying for the purposes of research or private study, for criticism, review and news reporting. No hard and fast rules can be given, but copying a page of a textbook, for example, would probably be permissible for private research and study. The copying of a complete work, even for research purposes, is not permitted; nor are multiple copies of the same material for more than one person. Departments should consult their legal advisers or HMSO if in doubt.

Further guidance:

- > HMSO guidance notes covering copyright issues, available from the contact point below, and at www.hmso.gov.uk/guides.htm

Contact point:

- > HMSO, Cabinet Office (tel. 01603 621000)

Copyright: Parliamentary copyright

> Parliamentary copyright is distinct from Crown copyright, and the rights rest with the Speaker of the House (for Commons material) and the Clerk of the Parliaments (for Lords material). Under an agreement with senior

Correspondence handling

Parliamentary officials, the HMSO Copyright Unit administers copyright in certain Parliamentary copyright material on Parliament's behalf. A similar arrangement is being negotiated with the Scottish Parliamentary Corporate Body for Scottish Parliamentary copyright material.

Further guidance:

- > Reproduction of Parliamentary copyright material, available from the contact point below and at www.hmso.gov.uk/publet2.htm

Contact point:

- > HMSO, Cabinet Office (tel. 01603 621000)

The Government is committed to ensuring that the handling of correspondence is given the highest priority. Ultimately it is for individual Ministers to ensure the effective handling of their own department's correspondence and to set departmental targets for doing so. Guidance for officials is issued to departments by Cabinet Office, who also monitor the performance of departments. Advice covers key areas such as target times; monitoring performance; tracking and transferring correspondence; and contents of replies. Officials should be aware of and handle correspondence in accordance with the *Code of Practice on Access to Government Information*.

Further guidance:

- > The Handling of Ministerial and Other Correspondence (available at www.servicefirst.gov.uk/index/library.htm)
- > Guidance on Handling Correspondence Under Devolution
Both available from the Central Secretariat, Cabinet Office (tel. 020 7270 1873)
- > Code of Practice on Access to Government Information, available at www.homeoffice.gov.uk/foi/ogcode981.htm and from the Freedom of Information Unit (see below)

Contact points:

- > Correspondence from MPs and Members of Devolved Legislatures – Central Secretariat, Cabinet Office (tel. 020 7270 1868)
- > Correspondence from Members of the Public – Modernising Public Services Group, Cabinet Office (tel. 020 7270 1965)
- > Code of Practice on Access to Government Information – Freedom of Information Unit, Home Office (tel. 020 7273 3604)

Costing the policies of Opposition parties

Departments are asked from time to time to cost the policies and pledges of Opposition Parties. Successive Administrations have accepted that since Departments would provide factual answers (subject to the limits on disproportionate costs) to questions from MPs/Peers about the costs of identifiable changes in activities or benefits, there is no objection to officials providing Ministers with such factual information.

The basis should be that Ministers, assisted if they wish by their Special Advisers, should be responsible for identifying the text of commitments together with any further interpretations or assumptions necessary to allow the commitments to be costed. Departments should provide factual material, drawing attention to any additional assumptions or qualifications which they have made. Very often the exercise will be co-ordinated by the Treasury, who will then be in a position to exercise their own scrutiny and check consistency with other costings. When the exercise is not being co-ordinated by the Treasury, individual costings should be cleared with the Treasury before being published.

When the factual material has been provided, it is for Ministers (assisted by their Special Advisers) to determine the form of presentation. It is legitimate for Ministers to ask Departments to check the presentation for factual accuracy and consistency before the material is made public.

Contact points:

- > The relevant Permanent Secretary's office
- > Central Secretariat, Cabinet Office (tel. 020 7270 1987)

Criminal offences: disclosure in correspondence

> Cases occasionally arise where a letter from a constituent to an MP, forwarded to a Minister for departmental attention, reveals *prima facie* evidence of a breach of the law by the constituent. Cases may similarly arise in letters sent directly to Ministers or departments. While it is always open to a Minister to pass information contained in a letter from a constituent to his/her MP to the appropriate authority (usually the police), with a view to investigation and possible prosecution, each case must depend very much on its merits. The public interest in putting right matters of complaint, and hence of preserving a constituent's freedom to ventilate them to his/her MP, may exceed the public interest in the conviction of persons who reveal relatively minor offences.

If officials find such *prima facie* evidence of a breach of the law in correspondence, they may first need to seek legal advice on the interpretation of the facts and the possible seriousness of the offence. In case of doubt, departments should refer the matter to the Crown Prosecution Service (or specialist prosecuting authority) or, in the case of an offence in Scotland, to the Crown Office.

Contact point:

- > The Crown Prosecution Service (tel. 020 7796 8000, e-mail enquiries@cps.gov.uk)

Data Protection

> From 1 March 2000 new rules under the Data Protection Act 1998 apply to the processing of information about living individuals. The rules are broadly similar to those under the Data Protection Act 1984 (which the new Act repeals). The principal requirement is for organisations to comply with the data protection principles (an enforceable code of good practice). There is also a requirement with exemptions for organisations to notify (formerly

Defamation of Ministers and civil servants

register with) the Data Protection Commissioner. But there are also some important changes. Among the most significant are that the Act:

- applies to structured manual records as well as computerised information;

- introduces new conditions which must be met if personal data are to be processed;

- strengthens individuals' right to see their own records, and creates some new rights.

It will remain an offence for an individual member of staff to disclose personal data without consent.

If you are in doubt about the effect of the 1998 Act on your work or on the data your employer holds about you, you should consult your organisation's Data Protection Officer in the first instance. If necessary, you can get further information from the Data Protection Commissioner. The Commissioner should also be consulted about major policy initiatives involving the processing of personal data.

Contact points:

- > Departmental Data Protection Officers
- > Data Protection Commissioner (tel. **01625 545745**, e-mail data@wycliffe.demon.co.uk)

Paragraph 25 of the *Ministerial Code* advises Ministers to consult the Law Officers if they are engaged in their personal capacities in legal proceedings that also involve their official responsibilities. Where either Ministers or civil servants are considering bringing defamation proceedings relating to their official responsibilities, the arguments in favour of litigation will need to be balanced against the cost, the resulting need to disclose official documents and the further publicity that proceedings would bring to the original allegations.

Further guidance:

- > Defamation of Ministers and civil servants, *Directory*, Volume II
- > The Ministerial Code, available at www.cabinet-office.gov.uk/central/1997/mcode or from the Central Secretariat, Cabinet Office (tel. **020 7270 1865**)
- > Annex to the Treasury Minute on the 25th Report of the Committee of Public Accounts 1992-3 (Cm 2175), available from The Stationery Office, on Accounting Officers' responsibilities for the use of official resources in respect of matters arising from private activities

Contact point:

- > Legal advisers

Defence, Press and Broadcasting Advisory Committee

> The Committee oversees the voluntary code which operates between those Government departments with responsibilities for national security and the media using as its vehicle the Defence Advisory Notice system. DA Notices provide general guidance to national and provincial newspaper editors, to periodical editors, to radio and television organisations and to some book publishers. They describe those areas which the Government considers it has a duty to protect and invite editors, directors and publishers to consult the DA Notice Secretary whenever there may be doubt.

Further guidance:

- > The Notices and the composition of the Committee are available on the MOD Website (www.mod.uk) or at www.btinternet.com/~d.a.notices

Contact point:

- > Secretary to the Committee (tel. 020 7218 2206)

Delegation of Civil Service management functions

> The Civil Service (Management Functions) Act 1992 allows the Minister for the Civil Service to delegate any function relating to the management of the Home Civil Service to a servant of the Crown. It cannot be used to transfer Civil Service personnel management functions outside the public service, and does not enable the contracting-out or privatisation of Government organisations. Ministers and office holders in charge of departments, the First Minister of the Scottish Executive and the First Secretary of the National Assembly for Wales have been given the authority to determine certain terms and conditions of employment of their staff.

Further guidance:

- > Details of the delegated functions are given in the introduction to the Civil Service Management Code, available from personnel sections or at www.cabinet-office.gov.uk/civilservice/index/publish.htm

Contact points:

- > Personnel sections
- > Personnel Management and Pay Division, Cabinet Office (tel. 020 7270 6335)

Devolution

> Devolution to Scotland and Wales took effect on 1 July 1999 when the Scottish Parliament and the National Assembly for Wales received their powers. Devolution to Northern Ireland took effect on 2 December 1999. The three Acts of Parliament dealing with devolution are the *Scotland Act 1998*, the *Government of Wales Act 1998* and the *Northern Ireland Act 1998*. The Home Civil Service remains one unified GB Civil Service responsible to the respective administrations. A separate Northern Ireland Civil Service continues in Northern Ireland. Civil servants should be aware of the effect of devolution in all matters which relate directly or indirectly to Scotland, Northern Ireland and Wales.

The first point of reference for those seeking guidance on relations with devolved institutions should be the Memorandum of Understanding (MoU) between the UK Government and the devolved executives. The same

document contains the four overarching concordats (covering International Relations, European Union Issues, Financial Assistance and Statistics). Neither the MoU nor the four concordats are legally binding but represent an agreed statement of intent as to how the administrations will behave towards each other to mutual benefit. In addition to the four overarching concordats there is a series of bilateral concordats between Whitehall departments and the appropriate part of the devolved administration in each case.

In addition, a series of Devolution Guidance Notes is being produced. The following have been published so far:

(DGN 1) Common Working Arrangements

(DGN 2) Handling Correspondence under Devolution

(DGN 3) Role of the Secretary of State for Scotland

(DGN 4) Role of the Secretary of State for Wales

(DGN 6) Circulation of Inter-Ministerial and Interdepartmental Correspondence

(DGN 10) Post Devolution Primary Legislation affecting Scotland

(DGN 12) Attendance of UK Ministers and officials at Committees of the Devolved Legislature

(DGN 13) Handling of Parliamentary Business in the House of Lords

Further guidance:

- > Memorandum of Understanding and supplementary agreements, (Cm 4444, October 1999), available from The Stationery Office, from the contact points below and at www.cabinet-office.gov.uk/cabsec/1999/memorandum
- > Departments bilateral concordats, available from the contact points below
- > Devolution Guidance Notes, available from the contact points below, and at www.cabinet-office.gov.uk/constitution/2000/devolution
- > Scotland Act 1998, Government of Wales Act 1998, Northern Ireland Act 1998, available from the Stationery Office and at www.hmsso.gov.uk/acts.htm

Contact points:

- > Departmental devolution contacts, who should be able to advise on action and problems in the devolution area
- > Constitution Secretariat, Cabinet Office (tel. 020 7270 5905)

Discipline

- > Departments, agencies and the devolved administrations in Scotland and Wales are responsible for their own disciplinary arrangements, and for the sanctions applied as a result of disciplinary proceedings, within the central framework set by the Minister for the Civil Service, and having regard to the various Codes of Practice which are given weight at Employment Tribunals. They must ensure that staff are aware of the disciplinary procedures that

may be applied and of the circumstances in which they may be invoked. Staff who are dismissed as a result of disciplinary action may have the right of appeal to the Civil Service Appeal Board.

Further guidance:

- > The central framework is set out at Section 4.5 of the Civil Service Management Code, available from personnel sections or at www.cabinet-office.gov.uk/civilservice/index/publish.htm
- > The qualifying criteria for appeals to the Civil Service Appeal Board are set out at Section 12.1 of the Civil Service Management Code.

Contact points:

- > Personnel sections about the arrangements in their organisations
- > Personnel Management and Pay Division, Cabinet Office (tel. 020 7270 5461) on the central framework.
- > Civil Service Appeal Board (tel. 020 7273 6500) on the appeal arrangements

Diversity in the Civil Service

> The Civil Service is working to become truly diverse, not only reflecting at all levels the full diversity of the society it serves, but so that the Civil Service itself values and is strengthened by its diversity. This ambition is part of the Modernising Government agenda, and includes addressing the under-representation of groups (such as women, ethnic minorities and disabled people in the Senior Civil Service) where this occurs.

Corporate Strategy and Diversity Division in the Cabinet Office provides guidance for departments, agencies and devolved administrations on monitoring diversity, and good practice publications on such subjects as race, childcare and other family friendly practices, age, disability, and employment in Northern Ireland.

Further guidance:

- > The annual Civil Service Data Summary
- > Programme for Action to achieve equality of opportunity in the Civil Service
- > Monitoring Guidance
- > Equal Opportunities in the Civil Service: A Progress Report 1995-97 (ISBN 0-7115-03303)

Available from the contact point below and at

www.cabinet-office.gov.uk/civilservice/index/publish.htm

Contact point:

- > Corporate Strategy and Diversity Division, Cabinet Office (tel. 020 7270 6110)

Duties of confidentiality

> Civil servants owe duties of confidentiality to the Crown as their employer. While they should make official information available in accordance with Government policy and departmental or agency instructions (see *Freedom of Information and Open Government*), they must not (without authorisation)

disclose official information communicated in confidence within Government, or received in confidence from others. They must not take part in any activities or make any public statement which might involve the disclosure of official information or draw upon experience gained in their official capacity without the prior approval of their department or agency. Civil servants must continue to observe these duties of confidentiality after they have left Crown employment. Certain categories of official information are also protected by the criminal law, including the Official Secrets Acts.

Further guidance:

- > Section 4.2 of the Civil Service Management Code, available from personnel sections or at www.cabinet-office.gov.uk/civilservice/index/publish.htm
- > Memoirs and books: publication by civil servants, *Directory*, Volume II

Contact points:

- > Personnel sections
- > Central Secretariat, Cabinet Office (tel. 020 7270 5598)

EFQM Excellence Model^{fi}

The EFQM Excellence Model^{fi} (formerly known as the Business Excellence Model) is a framework for assessing and continuously improving all of an organisation's activities. It not only looks at the key performance indicator and customer service outputs, but also links them to internal processes and resource inputs.

The Cabinet Office promotes the use of the EFQM Excellence Model throughout the whole of the UK public sector as part of its Public Sector Benchmarking Project. This project supports the Modernising Government agenda and its drive for better value services by helping public sector organisations to assess their performance, identify where improvement will have the greatest impact, and identify and spread good practice. A wide range of support and information for those wishing to use the Model is available from the Effective Performance Division's Benchmarking Team.

Further guidance:

- > Public Sector Benchmarking Project: Brochure of Services available, Version 3
- > Assessing Excellence: A Guide to using Self Assessment against the Business Excellence Model, Charter Mark and Investors in People Standard to achieve performance improvement in the Public Sector
- > How to Improve your Services: A Guide to Quality Schemes for the Public Sector, available at www.servicefirst.gov.uk/servicefirst/1999/guidance/quality.htm

Available from Cabinet Office Effective Performance Division, tel. 020 7270 6042, e-mail lryan@cabinet-office.x.gsi.gov.uk

Contact point:

- > Effective Performance Division, Cabinet Office (tel. 020 7270 6440, e-mail jpgreen@cabinet-office.x.gsi.gov.uk)

Election guidance

The Government issues detailed guidance as necessary on the conduct of Government business during a General Election or during Scottish Parliament, National Assembly for Wales, local, and European Parliament election campaigns.

With the exception of General Elections, the basic principle is that the business of Government continues as usual (as there is no prospect of a change of UK Government as a result of the election), but that particular care should be exercised during the pre-election period in relation to the announcement of sensitive decisions with a possible impact on the election, and in relation to paid publicity campaigns. Departmental Heads of Information must always be consulted about the use of any paid or unpaid publicity during an election period.

More restrictive guidance is put in place during General Elections (see guidance as issued and entry on *Elections and Referendums* in Directory, Volume II).

The conduct of civil servants in all types of election is governed, as at other times, by the *Civil Service Code*. They should not undertake any activity which could call into question their political impartiality, and they should ensure that public resources are not used for party political purposes.

Further guidance:

- > The relevant Cabinet Office guidance note as issued in the run-up to the election
- > Elections and Referendums, Directory, Volume II

Contact point:

- > Central Secretariat, Cabinet Office (tel. 020 7270 1863)

Equality and diversity in policy making

It is important that Government policies do not inadvertently discriminate against particular groups of people. Each Government department is responsible for ensuring that its own policies comply with anti-discrimination legislation, and that it follows the central requirements for assessing the impact of policies on particular groups, such as women, disabled people, ethnic minorities and older people.

Further guidance:

- > The Policy Makers Rapid Checklist, which brings together guidance on the various appraisal systems, at www.cabinet-office.gov.uk/regulation/1999/checklist/intro.htm and on some departmental intranets.

Contact points:

- > For the Checklist: Regulatory Impact Unit, Cabinet Office (tel. 020 7270 6017)
- > Women's Unit, Cabinet Office (tel. 020 7273 8840, e-mail pterry@cabinet-office.x.gsi.gov.uk)
- > Race Equality Unit, Home Office (tel. 020 7273 3047)

European Union

- > For Better Government for Older People: Modernising Public Services Group, Cabinet Office (tel. 020 7270 6424)
- > Disability Policy Division, Department for Education and Employment (tel. 020 7273 6323)

> Officials requiring advice or information on the UK's policy towards the European Union should in the first instance contact their Departmental EU Co-ordinating Branch. However, the European Secretariat of the Cabinet Office maintains a range of guidance papers which provide general background on the EU and its institutions, and on a range of specific policy issues.

Further guidance:

- > European Secretariat guidance papers, available from the contact points below
- > See also Regulation: Regulatory Impact Assessment and MEPs: Relations with

Contact points:

- > Departmental EU Co-ordinators
- > European Secretariat, Cabinet Office (tel. 020 7270 0190)

Fees and charges

> The Government's policy is to recover, as far as practicable, the costs of delivering a service. The *Fees and Charges Guide* sets out the general policy on statutory, commercial, inter-departmental and other kinds of fees and charges set by government departments, Next Steps agencies, NDPBs and NHS bodies.

Further Guidance:

- > Fees and Charges Guide, available from the Stationery Office

Contact point:

- > Treasury (tel. 020 7270 5315)

Former Ministers: access to official papers

> Former Ministers are allowed reasonable access to official papers of the period when they were in office, at the Government's discretion. In particular, such access is conditional on an undertaking to comply with the Radcliffe principles governing Ministerial memoirs.

Further guidance:

- > Access by Former Ministers to Official Papers, *Directory*, Volume II

Contact point:

- > Central Secretariat, Cabinet Office (tel. 020 7270 1863)

Fraud

> Fraud can occur at all levels. It represents an enormous waste of scarce resources. *Managing the Risk of Fraud* provides guidance on the management of fraud risks. It outlines how senior managers can best create the right anti-fraud conditions, and how line managers and their staff can best meet their operational responsibilities in this area.

Further guidance:

- > *Managing the Risk of Fraud – A Guide for Managers*, available from the contact point below

Contact point:

- > Treasury (tel. 020 7270 1681)

Freedom of Information and Open Government

> Current UK Government policy on access to information is contained in the *Code of Practice on Access to Government Information*. The *Code of Practice* makes the assumption that information held by departments and public bodies under the jurisdiction of the Parliamentary Ombudsman should be released except where disclosure would not be in the public interest. The *Code of Practice* identifies 15 areas where this may be the case, i.e. where information may be exempt from disclosure. But where there is a test of harm or prejudice within the exemption, the *Code* calls on departments to disclose information unless the harm likely to arise from disclosure would outweigh the public interest in making the information available. The *Guidance on Interpretation* provides a more comprehensive guide to the principles contained within the Code.

The Government has introduced a Freedom of Information Bill to replace the *Code of Practice*, which is a non-statutory regime, with a legal right of access to information held by all public authorities.

Further guidance:

- > *Code of Practice on Access to Government Information* and *Guidance on Interpretation* are available from the contact point below, and the Code is also available at www.homeoffice.gov.uk/foi/ogcode981.htm
- > The Freedom of Information Bill is available from The Stationery Office and at www.publications.parliament.uk/pa/pabills.htm, and once it has completed its Parliamentary passage will be available from The Stationery Office and at www.hmsso.gov.uk/acts.htm

Contact point:

- > Freedom of Information Unit, Home Office (tel. 020 7273 3818)

Gibraltar

> Gibraltar is the only UK Overseas Territory that is also within the European Union. It is part of the UK member State for EU purposes. Gibraltar is, however, excluded from three key areas of Community policy:

- the Common Customs Territory (free movement of goods);
- VAT; and
- the Common Agricultural and Fisheries Policies.

Gifts, rewards and hospitality

Except in these areas, EU law is applicable to Gibraltar, and has to be transposed into Gibraltar's separate jurisdiction. Under the Gibraltar Constitution Order 1969, Gibraltar has its own elected Government and is a separate legal jurisdiction. Spain does not recognise the Gibraltar Constitution or the administrative or legal institutions of Gibraltar. Departments need to take account of Gibraltar's position and interests when negotiating or implementing EU legislation, and must consult the FCO over the Gibraltar aspects of any negotiation. The FCO is the normal channel for contact with the Government of Gibraltar, and should be kept informed of any direct dealings.

Contact points:

- > for guidance on EU/Gibraltar, European Union Department (Internal), FCO (tel. 020 7270 2763)
- > for general guidance on Gibraltar, Southern European Department, FCO (tel. 020 7270 2965)

Gifts, hospitality or other benefits offered to civil servants by a third party could, or could be seen to, compromise their personal judgement or integrity. Such benefits must be refused. Departments, agencies and the devolved administrations in Scotland and Wales are differently placed in relation to their clients, and it is therefore for each to draw up their own detailed and specific rules on whether gifts, hospitality and other benefits can properly be accepted. These must include the circumstances in which staff are required to report offers of gifts, hospitality, awards, decorations and other benefits and of the circumstances in which they need to seek permission before accepting them. The rules must also comply with financial proprieties set out in *Government Accounting: A Guide on Accounting to Government Departments*; and *Central Unit on Purchasing Guidance, No 16, HM Treasury March 1989*.

Further guidance:

- > The central principles and rules are set out at Sections 4.1 and 4.3 of the Civil Service Management Code, available from personnel sections or at www.cabinet-office.gov.uk/civilservice/index/publish.htm

Contact points:

- > Personnel sections about the rules in your organisation
- > Personnel Management and Pay Division, Cabinet Office (tel. 020 7270 5461) about the central principles

Government Accounting

Government Accounting provides detailed rules and guidance on fundamental issues relating to financial management, control, reporting and accounting, with particular emphasis on the requirements of the Treasury and Parliament.

Further guidance:

- > *Government Accounting*, available from the Stationery Office, in hard copy or on CD-ROM

Government Internal Audit

Contact point:

- > Treasury (tel. 020 7270 4304)

> Internal audit is a vital part of a body's internal control systems. The *Government Internal Audit Manual* sets standards for internal audit and offers guidance on the practice of internal audit in departments, Next Steps agencies and NDPBs.

Further guidance:

- > Government Internal Audit Manual, available from the Stationery Office in hard copy and CD-ROM

Contact point:

- > Treasury (tel. 020 7270 1681)

Greening Government

> Greening Government is the process of integrating sustainable development and the environment into the Government's decision-making processes, including both policy and operational decisions. It is co-ordinated by the network of Green Ministers across departments, and their work is in turn overseen by the Cabinet Committee on the Environment. Guidance exists on a range of issues including environmental appraisals of policies, green operations strategies, energy efficiency, waste management, water conservation, green transport plans, sustainable construction and green procurement.

Further guidance:

- > All the guidance can be found on the Greening Government website at www.detr.gov.uk/environment/greening/gghome.htm

Contact point:

- > Greening Government team, Sustainable Development Unit, Department of the Environment, Transport and the Regions (tel. 020 7890 6686)

Honours

> Honours are awarded by The Sovereign under the Royal Prerogative, mainly on the advice of the Prime Minister, the Foreign Secretary and the Defence Secretary. Awards are made twice a year in the New Year and Birthday Honours List. The Ceremonial Branch of the Cabinet Office has policy responsibility for the operation, review and development of the honours system including medals, and it keeps in touch with Heads of Department and a network of Departmental Honours Secretaries. It also co-ordinates the preparation of the Prime Minister's Honours Lists.

Further guidance:

- > Honours, Directory, Volume II
- > Evidence from the Ceremonial Officer to the Committee on Standards of Public Life: Report on the Funding of Political Parties in the United Kingdom, Cm 4057 of Oct 1998, Volume 2 (CD-ROM)

Contact point:

- > Departmental Honours Secretaries

Human Rights Act 1998

The Human Rights Act 1998 will come fully into force on 2 October 2000. It creates a statutory duty to interpret all legislation, whenever enacted, so far as possible in a way which is compatible with the Convention rights effectively the substantive rights contained in the European Convention on Human Rights. The Act also creates a duty for all public authorities, including Government departments, to act compatibly with the Convention rights. Officials will need to consider the implications for Convention rights when developing, interpreting or giving effect to legislation and policy. There are special provisions concerning primary legislation which cannot be interpreted compatibly with the Convention rights. There are also provisions concerning statements of compatibility with the Convention rights, which must be made by the Minister in charge when introducing new primary legislation.

Further guidance:

- > Human Rights Comes to Life the Human Rights Act 1998 Guidance for Departments
- > The Human Rights Act 1998 A New Era of Rights and Responsibilities Core Guidance for Public Authorities

Available from Departmental Human Rights Contact Points, at www.homeoffice.gov.uk/hract, or from the contact point below.

Contact point:

- > Human Rights Unit, Home Office (tel. 020 7273 2166)

Information about suspected crimes

Civil servants who believe that they have information (including documents) which may be relevant to planning or committing a criminal offence, or to the investigation or prosecution of a criminal offence or to the defence, have a general professional duty to draw this fact to the attention of the appropriate authorities. The purpose of the booklet, *Giving Evidence on Information about Suspected Crimes A Guide for Crown Servants*, is to give guidance on the procedures that civil servants (and Crown servants generally) should follow when declaring such information, and on their responsibilities if asked to respond to a formal request for information from an investigator, from a prosecutor or from the defence in England and Wales. The booklet also explains civil servants' legal responsibilities when giving oral or written evidence as a witness, and offers advice to help them ensure that their evidence is as accurate and as complete as possible.

In each Government department and in some other Crown bodies there are procedures in place and a nominated office to handle enquiries relating to alleged or possible criminal offences. In many departments this office will be known as the Offence Enquiry Point. The booklet strongly recommends civil servants to seek legal advice through their Offence Enquiry Point, particularly before being interviewed or signing a witness statement, or if the civil servant is served with a witness summons (requiring attendance at Court to give oral evidence or produce documents), or if the information or documents sought may include sensitive information which might be the subject of a claim for public interest immunity or otherwise protected from disclosure (e.g. as a result of some statutory restriction).

Information Age Government

Further guidance:

- > Giving Evidence on Information about Suspected Crimes – A Guide for Crown Servants, available from departmental libraries and the contact points below
- > Entry on Witnesses in civil actions

Contact point:

- > Offence Enquiry Points and legal advisers
- > Central Secretariat, Cabinet Office (tel. 020 7270 1865)

Chapter 5 of the Modernising Government White Paper published in March 1999 set out the Government's commitment to use new technology to meet the needs of citizens and business, and not to trail behind technological developments.

The Cabinet Office's Central IT Unit is responsible for taking forward this Information Age Government agenda, and is the source of central advice on IT strategy. Central Computer and Telecommunications Agency (CCTA, became an Agency of the Office of Government Commerce on 1 April 2000) publishes a wide range of guidance on the management of information systems and IT, and provides advice and access to a range of consultancy services on subjects such as kiosks, call centres and smart card technology. CCTA also runs a membership service for its customers in the public sector.

Further guidance:

- > Modernising Government (Cm 4310), available from The Stationery Office and at www.citu.gov.uk
- > Guidance on Channels for electronic service delivery, Information Age Government Champions, the Corporate IT strategy for government and other topics, available from the Central IT Unit (see below) and at www.citu.gov.uk

Contact points:

- > Central IT Unit, Cabinet Office (tel. 020 7238 2053, e-mail citu@citu.gov.uk)
- > CCTA (tel. 01603 704567, e-mail info@ccta.gov.uk)

Inforoute and the Information Asset Register

Inforoute is the new gateway to information held by UK Government departments. Inforoute will provide direct access to the Government's Information Asset Register (IAR). An IAR is a database of an organisation's information assets; the Government's IAR is an amalgamation of the IARs being created by each Government department, agency, etc. The IAR concentrates on, but is not limited to, information resources that have not been formally published. HMSO has overall responsibility for IAR formats and standards, and for maintaining the inforoute website. Individual departments will have primary responsibility for putting in place their own IARs.

Injunctions

Further guidance:

- > Inforoute web site www.inforoute.hmso.gov.uk

Contact point:

- > Information Manager, HMSO (tel. 020 7210 4011, e-mail: mcumming@cabinet-office.x.gsi.gov.uk)

- > Injunctions to restrain publication of confidential information necessarily involve restricting people's right to freedom of expression. It is important to ensure that such restrictions are proportionate to the public interest in the confidentiality of the information. The Crown can only obtain an injunction where there is a legal cause of action, and where the Crown can show that publication of the confidential material would be damaging to the public interest. Before applying for an injunction, it is essential to consider how effective it would be in preventing unauthorised disclosure of the material. Legal advisers should be consulted as soon as possible on the practical steps to obtain an injunction.

Further guidance:

- > Guidance on Injunctions, Treasury Solicitor's Department, October 1999, available from the contact points below

Contact points:

- > Legal advisers
- > Treasury Solicitor's Department, (tel. 020 7210 3090, e-mail dbrummell@treasury-solicitor.gov.uk, or 020 7210 3089, e-mail rphillips@treasury-solicitor.gov.uk)

Interchange

- > Interchange is the exchange of people and good practice between the Civil Service and other organisations. Activity includes secondments, attachments, job shadowing, twinning and non-executive opportunities. Departments are responsible for their own Interchange programmes, but an *Interchange Good Practice Guide* is available from the Cabinet Office Interchange Unit.

Further guidance:

- > Interchange Good Practice Guide, available from the contact point below

Contact point:

- > Interchange Unit, Cabinet Office (tel. 020 7270 1842)

Internet: Use of

- > Departments' own communication and IS/IT divisions will be able to advise on the use of the Internet and the Government Secure Intranet (GSI). Central guidance is available from the Cabinet Office's Central IT Unit on policy and legal issues, such as the use and misuse of electronic communications, and the use, management and design of public sector websites. The Central Computer and Telecommunications Agency (CCTA), which became an Agency of the Office of Government Commerce on 1 April

2000) offers a wide range of services, guidance and consultancy on internet technologies, for example GSI.

Further guidance:

- > Electronic Communications At Work, Guidelines for the use, management and design of public sector websites and other material are available from the Central IT Unit (see below) or at www.citu.gov.uk

Contact points:

- > Central IT Unit, Cabinet Office (tel. 020 7238 2053, e-mail citu@citu.gov.uk)
- > CCTA (tel. 01603 704567, e-mail info@ccta.gov.uk)

Invest to Save Budget

> The Invest to Save Budget is designed to help develop projects which bring together two or more public service bodies to deliver services in an innovative and more efficient fashion. It is managed by the Treasury, in consultation with the Cabinet Office.

Further guidance:

- > Cabinet Office and Treasury websites: www.cabinet-office.gov.uk/eeg/1999/isb.htm and www.hm-treasury.gov.uk/docs/1999/isbweb.html

Contact points:

- > Effective Performance Division, Cabinet Office (tel. 020 7270 6453, e-mail ashaw@cabinet-office.x.gsi.gov.uk)
- > HM Treasury (tel. 020 7270 4343, e-mail lesley.hart@hm-treasury.gov.uk)

Law Officers advice

> The Law Officers must be consulted in good time before the Government is committed to critical decisions involving legal considerations. Paragraph 22 of the *Ministerial Code* sets out a number of examples where it would normally be appropriate to consult the Law Officers.

Further Guidance:

- > Ministerial Code, available at www.cabinet-office.gov.uk/central/1997/mcode or from the Central Secretariat, Cabinet Office (tel. 020 7270 1865)

Contact points:

- > Legal Secretariat to the Law Officers (tel. 020 7271 2405)
- > Legal Secretariat to the Advocate General for Scotland (tel. 020 7270 6713)

Law Officers advice: citation

> As paragraph 23 of the *Ministerial Code* states, where advice from the Law Officers is included in correspondence between Ministers, or in Cabinet or Cabinet Committee papers, the conclusions may be summarised if necessary but the complete text of the advice should then also be attached. This applies equally to correspondence signed by officials in the Law Officers Departments which records the Law Officers' views. Where for reasons of urgency only oral advice is given, whenever possible the official concerned in

the Legal Secretariat to the Law Officers or to the Advocate General for Scotland should be consulted on the text of any draft Ministerial correspondence or paper which records that advice.

Contact points:

- > Legal Secretariat to the Law Officers (tel. 020 7271 2405)
- > Legal Secretariat to the Advocate General for Scotland (tel. 020 7270 6713)

**Law Officers
advice:
confidentiality**

The opinions or advice given by the Law Officers, either individually or collectively, must not be disclosed outside Government without their authority. Furthermore, it must not be disclosed whether, and, if so, in what circumstances, they have given advice. This established convention is described at paragraph 24 of the *Ministerial Code*, and in the then Attorney General's written Parliamentary Answer of 20 February 1986. Indirect reference to the source of legal advice, such as 'advice has been given at the very highest level' would also fall foul of the convention. Should there be pressure to disclose the source or content of Law Officers' advice, or to confirm that the Law Officers have been consulted, the Legal Secretariat to the Law Officers or to the Advocate General for Scotland, as appropriate, should be consulted.

Contact points:

- > Legal Secretariat to the Law Officers (tel. 020 7271 2405)
- > Legal Secretariat to the Advocate General for Scotland (tel. 020 7270 6713)

**Law Officers
advice:
availability to
succeeding
administrations**

As paragraph 22 of the *Ministerial Code* states, written opinions of the Law Officers may generally be made available to succeeding administrations, unlike other Ministerial papers.

Further guidance:

- > See entry on Previous administrations: access to documents

Contact points:

- > Legal Secretariat to the Law Officers (tel. 020 7271 2405)
- > Legal Secretariat to the Advocate General for Scotland (tel. 020 7270 6713)

**Legal challenges
to Government
decisions**

Administrative decisions taken by Ministers and officials have for some time come under increasing challenge in the domestic courts, mostly by way of applications for judicial review. Such challenges are likely to increase in number and variety when the Human Rights Act 1998 is brought fully into force in October 2000. Challenges are also frequently brought before the European Court of Human Rights and will continue to be brought even after the commencement of the Human Rights Act.

Further guidance:

- > The Judge Over Your Shoulder (Treasury Solicitor, 3rd edition published March 2000), is available on the Treasury Solicitor's Department's website (www.open.gov.uk/tsd/tsdhome.htm) or from the contact below, and gives

Legislative procedures

advice on making administrative decisions according to the best principles, and on handling challenges. It includes an introduction to the European Convention on (Human Rights and the Human Rights Act 1998), and the legal consequences of devolution.

- > See also entry on Human Rights Act

Contact points:

- > Legal advisers
- > Treasury Solicitor's Department (tel. 020 7210 3089)

Departments parliamentary branches and legal advisers are the first point of contact on procedures for legislation in the Westminster Parliament. *Erskine May: Parliamentary Practice* is also an important reference document. The Cabinet Office (Office of Public Service) also issued a *Guide to Legislative Procedures* in 1996, intended primarily for those working in Bill teams. It describes the main features of the legislative process from a Bill's inclusion in the Government's legislative programme through its preparation and its passage through Parliament, to post-legislative action. It deals with the handling of Government Bills (excluding Finance Bills, Consolidated Fund Bills, other Bills passed annually and Bills relating exclusively to Scotland) and Private Members' Bills, but not Private Bills. The *Guide* is concerned essentially with primary legislation: see entry on Statutory Instruments for guidance on secondary legislation.

Further guidance:

- > Guide to Legislative Procedures, available from parliamentary and legal branches. In due course, the Cabinet Office hopes to make the Guide available to departments in electronic form, so that it can be more readily updated. Several departments also produce their own guides for Bill teams.

Contact points:

- > Departments Parliamentary branches and legal advisers
- > Adviser on Parliamentary Procedure, Legislation Secretariat, Cabinet Office (tel. 020 7270 0351)

Lobbyists: Contact with

All contacts with people/groups outside Government including lobbyists should be undertaken in accordance with the principles of the *Ministerial Code* and *Guidance for Civil Servants: Contacts with Lobbyists*.

Further guidance:

- > Guidance for Civil Servants: Contacts with Lobbyists, available from Central Secretariat (tel. 020 7270 1865) or at www.cabinet-office.gov.uk/central/1999/lobbyists.htm

Contact point:

- > Central Secretariat, Cabinet Office (tel. 020 7270 1987)

Machinery of government changes

The Prime Minister's approval is required for any proposal to transfer existing functions

between Ministers in charge of departments;

between a Minister and a Non-Departmental Public Body, if it is likely to be politically sensitive or to raise wider issues of policy or organisation;

between junior Ministers within a department, if it involves a major reallocation of work or a change in Ministerial titles, including courtesy titles.

The Prime Minister's approval is also required for the allocation of new functions which do not fall wholly within the responsibility of one Minister. These requirements apply whether the functions in question derive from statute or from the exercise of the Royal Prerogative, or are general administrative responsibilities.

At an early stage of any proposal which may involve a machinery of government change, **including** cases of doubt, or where it appears that the Prime Minister's approval is not required, departments should consult:

Central Secretariat, Cabinet Office (tel. 020 7270 1863), who can supply more detailed guidance and will advise on the application of the general principles to a particular case;

departmental legal advisers, who will advise on the need for legal procedures;

any other department whose interests might be affected, including where applicable the Scotland, Wales and Northern Ireland Offices.

Further guidance:

- > See also [Consulting other departments](#)
- > Machinery of Government Changes, [Directory, Volume II](#)
- > Ministers: appointment, titles, powers and responsibilities, [Directory, Volume II](#)

Contact point:

- > Central Secretariat, Cabinet Office (tel. 020 7270 1863)

Memoirs: Radcliffe rules

The Radcliffe Rules set out the conventions governing the publication by former Ministers and officials of memoirs and other works relating to their experience in Government. Civil servants are also bound by the rules on duties of confidentiality and use of official information set out in section 4.2 of the *Civil Service Management Code*.

Further guidance:

- > Ministerial Memoirs: the Radcliffe Rules and their application and Civil Servants: publication of books and memoirs, [Directory, Volume II](#)
- > [Entry on Duties of Confidentiality](#)

MEPs: Contact with

Contact point:

- > Cabinet Secretary's Office (tel. 020 7270 0101)

> As part of its series of EU guidance papers, the European Secretariat of the Cabinet Office has issued guidance on the conduct of relations with the European Parliament at both official and Ministerial level. It provides advice on how to brief MEPs on the Government's policy on EU matters, and how to deal with constituency cases raised by MEPs. The guidance also provides information on the Parliament's powers and working arrangements. As with all EU matters, Departmental EU Co-ordinators should be approached in the first instance for advice.

Further guidance:

- > European Secretariat Guidance (99)1.2, available from the contact points below
- > Briefing for and attendance at events run by organisations with party political links, *Directory, Volume II*
- > See also European Union

Contact points:

- > Departmental EU Co-ordinators
- > European Secretariat, Cabinet Office (tel. 020 7270 0086)

Ministerial accountability: Parliamentary Resolutions on

> In March 1997, Parliament passed Resolutions which set out the principles that should govern the conduct of Ministers in relation to accounting to Parliament for the policies, decisions and actions of Departments and agencies. In the Commons, the Resolution was carried on 19 March 1997 (Official Report, col 1046-47), and on 20 March a similar Resolution was carried in the House of Lords (Official Report, col 1055-62).

Further guidance:

- > Ministerial Code, available from the contact point below or at www.cabinet-office.gov.uk/central/1997/mcode
- > Ministerial Accountability: Parliamentary Resolutions on, *Directory, Volume II* (which sets out the full text of both Resolutions)

Contact point:

- > Central Secretariat, Cabinet Office (tel. 020 7270 1863)

Ministerial Code

> All Ministers are expected to undertake their official duties in a way that upholds the highest standards of propriety. The *Ministerial Code*, published by the Prime Minister in July 1997, sets out detailed guidance for Ministers on how they should conduct business.

Further guidance:

- > Ministerial Code, available from the contact point below or at www.cabinet-office.gov.uk/central/1997/mcode

Ministers departmental responsibilities

Contact point:

- > Central Secretariat, Cabinet Office (tel. 020 7270 1865)

The *List of Ministerial Responsibilities*, published by the Cabinet Office, sets out details of the individual responsibilities of each UK Government Minister.

Further guidance:

- > The List of Ministerial Responsibilities is available from the contact point below and at www.cabinet-office.gov.uk/central/index/lmr.htm

Contact point:

- > Central Secretariat, Cabinet Office (tel. 020 7270 1865)

Modernising Government

The Modernising Government White Paper was published on 30 March 1999. It sets out the basis for a long-term change programme across the public sector as a whole, including central and local government and the health service. The focus of the programme is on delivering outcomes that matter, through better policy-making and through working together across organisational boundaries to make things simpler, easier and more effective from the user's point of view. It sets out commitments in five key areas:

- Forward-looking policy making;
- Responsive public services;
- High quality public services;
- Information Age Government; and
- Valuing public service.

The *Modernising Government Action Plan* was published on 27 July 1999. It sets out what the corporate centre of government is doing to promote and drive forward work on meeting the commitments in the White Paper. The Internet version of the Action Plan (see below) is updated regularly to show what progress has been made.

Further guidance:

- > Modernising government (Cm 4310), available from The Stationery Office or at www.cabinet-office.gov.uk/moderngov/1999/whitepaper
- > Modernising Government Action Plan, available from the contact point below or at www.cabinet-office.gov.uk/moderngov/1999/action

Contact point:

- > Modernising Government Secretariat, Cabinet Office (tel. 020 7270 5783)

Nationality requirements for Civil Service posts

The Civil Service nationality rules are set out in section 1.1 Annex B of the *Civil Service Management Code*. The main restrictions stem from the Aliens Restriction (Amendment) Act 1919. However, the nationality rules are largely based on a combination of domestic and EC law. The effect of the legislation is that non-reserved posts, which constitute the majority of posts

in the Civil Service, are open to Commonwealth citizens, EU and certain European Free Trade Association (EFTA) nationals and certain family members; and exceptionally to other nationals under the provisions of the Aliens Employment Act, 1955.

Reserved posts are open only to UK nationals, under the provisions of Article 48.4 of the EC Treaty of Rome, because they require special allegiance to the State as distinct from security requirements. It is for departments, agencies and the devolved administrations in Scotland and Wales to allocate and defend posts as reserved, taking Cabinet Office guidance and EU case law into account.

Further guidance:

- > Guidance letter to Establishment Officers of 1 March 1996, available from the contact point below, provides some indicative criteria for reserved/non-reserved posts.

Contact point:

- > Personnel Management and Pay Division, Cabinet Office (tel. 020 7270 5461)

Non-Departmental Public Bodies (NDPBs)

> The Government's policy is to keep the number of NDPBs to a minimum and to set up new NDPBs only where it can be demonstrated that this is the most cost-effective and appropriate means of carrying out the given function. *Non-Departmental Public Bodies: A Guide for Departments* sets out the criteria for considering proposals for new NDPBs, together with the framework of control, accountability and review which should apply to NDPBs. The Guide was re-issued in April 2000. The new version takes into account the Government's key policy changes to make NDPBs more open, accountable and effective and will also contain revised arrangements for the conduct of quinquennial reviews. *Public Bodies*, published annually, provides key facts and figures about NDPBs, including information on numbers and expenditure.

Further guidance:

- > Non-Departmental Public Bodies: A Guide for Departments, available from the contact point below.
- > Public Bodies 1999, ISBN 0-11-430159-X, available from The Stationery Office priced £24.95, and at www.cabinet-office.gov.uk/quango/

Contact point:

- > Central Secretariat, Cabinet Office (tel. 020 7270 1868)

Non-Ministerial Departments

> Non-Ministerial Departments are headed by office-holders, boards or commissioners with specific statutory responsibilities. They are staffed by civil servants. The precise nature of their relationship with Ministers varies according to their individual policy and statutory framework, but the general rationale is to distance the day-to-day administration of the particular activity from direct Ministerial control, while retaining some Government input to the wider policy context. Advice should be sought from the Cabinet

Official publishing

Office before any decision is taken to establish a Non-Ministerial Department.

Contact point:

- > Central Secretariat, Cabinet Office (tel. 020 7270 1863)

It is extremely important that Government publications can be obtained by the general public. Publishing is not just the act of arranging printing but includes the sale and distribution of documents, ensuring that details are included in the official bibliographic database of UK Official Publications (UK-OP, www.ukop.co.uk) and fulfilling the requirements for legal deposit at major libraries within the United Kingdom. Her Majesty's Stationery Office within the Cabinet Office provides advice on official publishing issues.

Further guidance:

- > HMSO guidance notes, available from HMSO, Cabinet Office (tel. 01603 723010) and at www.hmso.gov.uk/guides.htm

Contact point:

- > HMSO, Cabinet Office (tel. 01603 723014)

Official Secrets Act

Civil servants, along with other Crown servants, are subject to the Official Secrets Act 1989. Under the Act, it is an offence to disclose official information in six specified categories without lawful authority and if the disclosure is damaging to the national interest. The six categories are security and intelligence, defence, international relations, foreign confidences, information which might lead to the commission of crime, and the special investigation powers under the Interception of Communications Act 1985 and the Security Services Act 1989.

The duties of civil servants with regard to the use of official information are set out in Section 4.2 of the *Civil Service Management Code*.

Further guidance:

- > A basic guide to the Official Secrets Act 1989 is available from the contact points below

Contact points:

- > Personnel sections
- > Security Division, Cabinet Office (tel. 020 7210 0414)

Overseas contacts

At an early stage in any business involving contacts overseas, whether with Governments, regional or local authorities, or commercial or non-governmental organisations, officials should ensure that the FCO is informed. The normal contact point will be, in the first instance, the desk officer for the country concerned. The FCO will be able to brief on any specific sensitivities or guidelines, and will also, if necessary, be able to bring in its Conference and Visits Group for advice on inward visits, or its London Correspondents Section for publicity via London-based or visiting journalists.

Paid publicity

Contact point:

- > FCO country desks. Telephone numbers are available from the FCO enquiry point on **020 7270 1500**.

- > The departmental use of paid publicity is governed by the terms of the *Guidance on the Work of the Government Information Service* (November 1997). This sets out four basic conventions which require that activity should be relevant to Government responsibilities; should be objective and explanatory, not tendentious or polemical; should not be, or be liable to misrepresentation as being, party political; and should be conducted in an economic and appropriate way, having regard to the need to be able to justify the costs as expenditure of public funds. The principal adviser to the department on all matters concerning paid publicity is its Head of Information. Central advice is available from the Head of the Government Information and Communication Service in the Cabinet Office.

Further guidance:

- > *Guidance on the Work of the Government Information Service*, available from contact point below

Contact point:

- > Departmental Head of Information and Press or Publicity/Marketing Office
- > Government Information and Communication Service, Cabinet Office (tel. **020 7270 6631**)

Parliamentary Ombudsman

- > The Parliamentary Ombudsman (formally, the Parliamentary Commissioner for Administration) investigates complaints from members of the public of alleged maladministration leading to injustice. He also investigates complaints about problems in obtaining access to official information. Complaints must be referred to the Ombudsman by an MP. Departments are advised to co-operate fully in investigations and avoid unnecessary formalities. Maladministration has never been comprehensively defined, but *The Ombudsman in Your Files* includes guidance on what the term covers.

Further guidance:

- > *The Ombudsman in Your Files*, available from contact point below
- > *Handling of Parliamentary Ombudsman Cases (DEO(PM)(96)4)*, available from contact point below
- > *Code of Practice on Access to Government Information* see entry on *Freedom of Information and Open Government*

Contact point:

- > Central Secretariat, Cabinet Office (tel. **020 7270 1891**)

Parliamentary Questions: Drafting answers

- > Ministers and Assembly Secretaries have a duty to give Parliament or the National Assembly for Wales and the public as full information as possible about their policies, decisions and actions, and not to deceive or knowingly

Parliamentary Questions: Inspired

mislead them. It is a civil servant's responsibility, under the terms of the *Civil Service Code*, to help them fulfil those obligations.

Civil servants should, therefore, when drafting answers to Parliamentary Questions approach every Question predisposed to give relevant information fully and as concisely as possible bearing in mind Treasury guidance on disproportionate cost.

Further guidance:

- > Guidance to Officials on Drafting Answers to Parliamentary Questions, available from Departmental Parliamentary Clerks.

Contact point:

- > Departmental Parliamentary Clerks

Civil servants should not take part in preparing Parliamentary Questions for tabling with a view to increasing the number of Questions on the Order Paper favourable to the Government.

This ruling is not intended to conflict with the long-standing procedure of using inspired PQs as a means of informing Parliament on matters which the Government wishes to make known.

Contact point:

- > Departmental Parliamentary Clerks

Pay: Civil Servants

Departments, agencies and the devolved administrations in Scotland and Wales have the authority (delegated by the Minister for the Civil Service) to determine the terms and conditions relating to the pay and grading of their own staff outside the Senior Civil Service, subject to a number of conditions (set out in sections 6.1 & 7.1 of the *Civil Service Management Code*). To assist them in reviewing, setting up and evaluating their pay and grading arrangements, the Cabinet Office provides detailed guidance in *Pay and Grading Delegation Guidance for Departments, Agencies and NDPBs*.

The pay arrangements for the Senior Civil Service are managed within a central framework set out by the Cabinet Office (*Civil Service Management Code* paragraphs 7.1.10 to 7.1.16 and 7.1 Annex A). Within that framework, departments, agencies and the devolved administrations in Scotland and Wales are encouraged to make full use of the flexibility available to them to tailor the arrangements to suit their particular operational and business needs. The Cabinet Office issues guidance each year, in the light of the Government's response to the recommendations of the independent Senior Salaries Review Body, setting out the parameters within which performance related pay awards for the Senior Civil Service are to be made for that year.

Further guidance:

- > Civil Service Management Code, available from personnel sections or at www.cabinet-office.gov.uk/civilservice/index/publish.htm
- > Pay and Grading Delegation Guidance for Departments, Agencies and NDPBs, available from the contact points below

- Contact points:**
- > Personnel sections
 - > Personnel Management and Pay Division, Cabinet Office (tel. 020 7270 4693 or 020 7270 1991 for the Senior Civil Service)
- Pay: Ministers** > Ministerial salaries are paid by their respective departments in accordance with the authority in the Ministerial and other Salaries Act 1975 (as amended). Details of the rates to be paid are promulgated by the Cabinet Office to the departments concerned.
- Contact point:**
- > Personnel Management and Pay Division, Cabinet Office (tel. 020 7270 5606)
- Pay: Special Advisers** > Special Advisers pay is determined on an individual basis within a separate pay framework overseen by the Special Advisers Remuneration Committee, which the Minister for the Cabinet Office chairs. All proposals for new Special Advisers starting salaries, and any recommendations for increases beyond the normal annual increments, should be cleared with this Committee. The normal procedure is for the Cabinet Minister concerned to write to the Minister for the Cabinet Office.
- Contact point:**
- > Copies of the Special Advisers pay system, and current rates of pay, are held by personnel sections. The central contact for Special Advisers pay is the Personnel Management and Pay Division, Cabinet Office (tel. 020 7270 5606)
- People's Panel** > The People's Panel – a representative group of 5,000 adults from across the UK – has been set up to research people's views on public services and how they might be improved. The Panel is open to all publicly funded bodies to use and has already provided a range of quantitative and qualitative research, covering such issues as transport, modernising government, local democracy, care in the community, and new technology in government.
- Further guidance:**
- > Full topline results from Panel research so far and additional information are available at www.servicefirst.gov.uk/index/pphome.htm
- Contact point:**
- > Modernising Public Services Group, Cabinet Office (tel. 020 7270 6274)
- Performance review in the Civil Service** > Departments, agencies and the devolved administrations in Scotland and Wales have the authority (delegated by the Minister for the Civil Service) to determine performance review arrangements for their own staff outside the Senior Civil Service, subject to a number of conditions (set out in sections 6.1 & 7.1 of the *Civil Service Management Code*). To assist them in designing

and developing such systems, the Cabinet Office provides guidance on *Developing Personal Review Systems*, *Objective Setting in Personal Review* and *Getting the best out of 360 degree feedback*.

Performance review for the Senior Civil Service is based on a common system and a common appraisal form in use across the Civil Service. Copies of the *Senior Civil Service Performance Review* pack, including the relevant forms and a guidance booklet, are distributed to all Senior Civil Servants by their personnel sections. Cabinet Office guidance is also available on *360 degree feedback in the Senior Civil Service* for those individuals and organisations that wish to use it.

Further guidance:

- > Civil Service Management Code
- > Developing Personal Review Systems
- > Objective Setting in Personal Review
- > Getting the best out of 360 degree feedback
- > Senior Civil Service Performance Review
- > 360 degree feedback in the Senior Civil Service

Available from the contact points below.

Contact points:

- > Personnel sections
- > Personnel Management and Pay Division, Cabinet Office (tel. 020 7270 4693 or 020 7270 1991 for the Senior Civil Service)

**Personnel
Information
Notes (PINs)**

PINs supplement the *Civil Service Management Code* by providing advice and guidance to departments, agencies and the devolved administrations in Scotland and Wales on a wide range of personnel management and human resource issues, sometimes with suggestions of what constitutes good employer practice. They do not affect the terms and conditions of service of civil servants.

Further guidance:

- > Copies are available from the contact points below.

Contact points:

- > Personnel sections
- > Personnel Management and Pay Division, Cabinet Office (tel. 020 7270 5461)

**Policy Makers
Rapid Checklist**

Policy makers face a considerable task in taking account of the consequences of policy proposals and the needs of different groups to provide the best advice to Ministers. The *Policy Makers Rapid Checklist* is therefore designed to provide officials with helpful information and contact points on statutory requirements (e.g. Human Rights Act), good practice (e.g. consultation) and

Policy Making for the 21st Century

the full range of impact assessment and appraisal tools (e.g. regulatory impact assessment). The checklist also provides details of where to go for relevant training. Policy makers are asked to use the checklist at the start of the policy process, as part of their on-going work and in evaluation.

The *Checklist* is IT based to ensure that it is up to date and easily accessible. It is available on the Cabinet Office website and on the intranets of some government departments.

Further work is underway to reduce the overlap and bureaucracy of existing guidance and to simplify impact assessment and appraisal tools.

Further guidance:

- > Policy Makers Rapid Checklist at www.cabinet-office.gov.uk/regulation/1999/checklist/intro.htm and on some departmental intranets

Contact point:

- > Regulatory Impact Unit, Cabinet Office (tel. 020 7270 6017)

Professional Policy Making for the 21st Century is the culmination of work on policy making carried out by the Cabinet Office to follow up the publication of the *Modernising Government* White Paper. It aims to examine what professional modernised policy making should look like; to provide a snapshot of current good practice; and to suggest possible levers for change to help bring about the White Paper's vision for policy making.

Further guidance:

- > Professional Policy Making for the 21st Century, available from the Modernising Government Secretariat (tel 020 7270 5783) or at www.cabinet-office.gov.uk/moderngov/1999/policy
- > See entry on Modernising Government

Contact point:

- > Modernising Government Secretariat, Cabinet Office (tel. 020 7270 5783)

Political activities: civil servants

The restrictions that apply to civil servants are set out in the political activities rules in Section 4.4 of the *Civil Service Management Code* and are reproduced in Departmental Staff Handbooks or equivalent. They stem from the general principle that civil servants should not take part in any political or public activity which compromises, or might reasonably be seen to compromise, their duties of impartial service under the *Civil Service Code*.

Further guidance:

- > Civil Service Management Code, available from personnel sections or at www.cabinet-office.gov.uk/civilservice/index/publish.htm

Contact points:

- > Personnel sections
- > Central Secretariat, Cabinet Office (tel 020 7270 1987)

Political activities: members of public bodies

Board members of certain public bodies, particularly non-departmental public bodies (NDPBs) play an important part in the processes of national government. The independent Commissioner for Public Appointments makes clear that political activity is not generally a bar for appointment to the bodies within her remit, although she requires the collection of monitoring information on such activity (which she publishes in her annual reports).

However, board members of public bodies, whether full or part-time, should not generally occupy paid party political posts or hold particularly sensitive or high-profile offices in a political party. More generally, board members must be conscious of their general public responsibilities and exercise proper discretion, particularly in regard to the work of the boards of which they are members. Full-time members of boards should abstain from all controversial political activities. During election periods, guidance issued by the Cabinet Office, Central Secretariat, applies.

These restrictions do not apply to MPs, MEPs, local councillors, or Peers (in relation to their conduct in the House of Lords). However, MPs and MEPs are disqualified from a wide range of public appointments. A full list is in Schedule 1 of the House of Commons Disqualification Act.

Further guidance:

- > Non Departmental Public Bodies: a guide for departments
- > Guidance on Codes of Practice for Board Members of Public Bodies
- > Model Code of Practice for Board Members of Advisory Non-Departmental Public Bodies

Available from the contact point below.

- > House of Commons Disqualification Act 1975
- > The Commissioner for Public Appointments Guidance on Appointments to Public Bodies, available from the Commissioner's Office on **020 7270 5792**
- > see separate entry on Election guidance

Contact point:

- > Central Secretariat, Cabinet Office (tel. **020 7270 5303**)

Previous administrations: access to documents

It is an established convention that, after a General Election, a new administration does not generally have access to the papers of a previous administration of a different political complexion which would reveal former Ministers' opinions. However, this must be balanced against necessary continuity of policy. The most recent statement of the convention was given in Mrs Thatcher's written answer to a Parliamentary Question on 24 January 1980 (Official Report cols. 305-7).

The head of department should always be consulted on issues relating to this convention (including problems arising from PQs which cover the periods of former administrations); and also on requests by former Ministers for access to papers which they saw while in office.

Previous administrations: Government's accountability for events under

Further guidance:

- > Access by Ministers and Special Advisers to documents of a previous administration and Access by former Ministers to official papers, [Directory, Volume II](#)

Contact point:

- > Central Secretariat, Cabinet Office (tel. **020 7270 1863**)

> Present Ministers are not accountable to Parliament for events which took place under a previous Administration. However, questions about such events are from time to time addressed to them, and if action is required, whether by way of inquiry or to rectify things done wrong and prevent their recurrence, only the present Government can take such action. Where the events concerned took place under an administration of a different party the conventions governing access to papers must be observed, but may complicate the handling of the case.

Further guidance:

- > Accountability for events under a previous administration, [Directory, Volume II](#)
- > Access by Ministers and Special Advisers to documents of a previous administration, [Directory, Volume II](#)

Contact point:

- > Central Secretariat, Cabinet Office (tel. **020 7270 1863**)

Private activities and interests

> Civil servants must not misuse their official position, or information acquired in the course of their official duties, to further their private interests or those of others. They must declare any conflicts of interests that impinge on their private interests as a consequence of their official dealings. Otherwise civil servants are free to pursue any private interest they wish. Departments, agencies and the devolved administrations in Scotland and Wales are responsible for defining the standards of conduct they require of their staff, and for ensuring that these fully reflect the central framework.

Further guidance:

- > The central principles and rules are set out at Paragraph 4.1.3c and Section 4.3 of the Civil Service Management Code, available from personnel sections or at www.cabinet-office.gov.uk/civilservice/index/publish.htm

Contact points:

- > Personnel sections about the arrangements in their organisations
- > Personnel Management and Pay Division, Cabinet Office (tel. **020 7270 5461**) in respect of the central framework

Private Finance Initiative/Public Private Partnerships

> Public-Private Partnerships (PPPs) provide an opportunity to deliver higher quality projects and services more quickly than might be possible if the public sector acted alone.

The Private Finance Initiative (PFI) is one element of PPPs. Other forms of partnership continue to emerge as the Government explores different partnering arrangements in delivering public services. Under PFI the public sector specifies the service or infrastructure it wants, and the private sector competes to deliver it. Successful bidders projects have to meet specified standards to secure reward and deliver better value for money than conventional procurement.

The Treasury Taskforce acts as the focal point of all PFI activity across government.

Further guidance:

- > Treasury Taskforce information, details of its PFI Library and its own publications are available at www.treasury-projects-taskforce.gov.uk and from the Treasury's Public Enquiry Unit on **020 7270 4558**.

Contact point:

- > Private Finance Policy Helpdesk, Treasury (tel. **020 7270 5527**)

Procurement

> Where goods, services, and works need to be acquired through external relationships, officials must conduct dealings in such a way as to maximise value for money and minimise cost over the whole life of the goods or project. Dealings must be conducted in a legal, ethical manner consistent in particular with UK Law, EC Procurement Directives, Government Accounting Rules, and to reflect best procurement practice. A series of Treasury procurement guidance provides specific, detailed information and advice. On 1 April 2000, the Treasury's Procurement Practice and Development Team, together with the Procurement Policy Team and Private Finance Unit, became the Office of Government Commerce.

Further guidance:

- > Treasury procurement guidance, available at www.hm-treasury.gov.uk/pub/html/docs/cup/main.html or from the Treasury's Public Enquiry Unit on **020 7270 4558**

Contact point:

- > Procurement Practice and Development, Office of Government Commerce, Treasury (tel. **020 7211 1300**)

Property related advice

> Individual departments are directly accountable for the management of their work space, including all the property they occupy, however large or small the estate. In carrying out these responsibilities, however, officials should consider the best practice advice, guidance and direct help provided by Property Advisers to the Civil Estate (PACE, which became an Agency of the Office of Government Commerce on 1 April 2000). PACE exists to ensure that the economies of scale flowing from the size of the Civil Estate

are realised. Its aim is to enable departments, agencies and NDPBs to obtain best value for money through co-operation and co-ordination of activities, adherence to best practice, provision of training, and by supplying expertise to support the intelligent client role within departments. PACE's Central Advice Unit currently makes its guidance material freely available across government, although options are being developed as to the most appropriate method of charging. The format of the Unit's written material varies from major publications like the *Estates Services Guide* and *Business Continuity Planning Guide*, a significant procurement manual and forms of contract, through to Information Notes, Health & Safety Alert Notices and a quarterly Bulletin. A CD-ROM and a Helpdesk facility are also available.

Further guidance:

- > The Central Advice Unit's guidance material is available from the contact point below. More comprehensive information about PACE and its services is at www.property.gov.uk

Contact point:

- > PACE telephone Helpdesk (tel. 020 7271 2833, e-mail enquiries@property.gov.uk)

Public appointments

The Government relies on a range of national and regional bodies with a degree of independence from Ministers to deliver its policies. Appointments to such bodies are usually made by Ministers.

The Code of Practice and guidance of the independent Commissioner for Public Appointments must be followed when Ministers appoint board members to Non-Departmental Public Bodies (NDPBs), public corporations and nationalised industries, NHS Trusts and the utility regulators. The Commissioner monitors compliance with the guidance and investigates complaints.

The Government is committed to the equal representation of women and men in public appointments, to pro-rata representation of members of ethnic minority groups, and to improving representation of people with disabilities. Departmental targets are published annually in *Quangos: Opening Up Public Appointments*.

The Public Appointments Unit in the Cabinet Office compiles and maintains a list of candidates (currently over 5,500 names) who have been nominated as suitable for national public appointments. The Unit can provide departments on request with lists of candidates to match job descriptions and competence profiles, and can cross-check names supplied by departments. Searches usually take ten working days.

The Prime Minister's approval is required before Ministers can confirm certain appointments. Paragraph 51 of the *Ministerial Code* provides guidance on what kind of appointments require such approval. In general these are the chairmen of the most important NDPBs, public corporations, nationalised industries, Royal Commissions, and of the more important departmental committees.

Further guidance:

- > Non Departmental Public Bodies; a Guide for Departments
- > Quangos Opening up Public Appointments

Available from Central Secretariat, Cabinet Office, (tel. 020 7270 1873)

- > The Commissioner for Public Appointments Guidance on Appointments to Public Bodies, available from the Commissioner's office (see below)

Contact points:

- > Central Secretariat, Cabinet Office (tel. 020 7270 1892)
- > Public Appointments Unit, Cabinet Office (tel. 020 7270 6223)
- > Office for the Commissioner for Public Appointments (tel. 020 7270 6032)

Public inquiries

- > The Prime Minister's approval should be sought before any commitment is made to establish a major public inquiry, in particular those covering more than one department's responsibilities (this does not include routine planning/transport inquiries). Guidance on the issues to bear in mind when considering whether to set up a public inquiry is provided in the *Public Inquiries Checklist*.

Further guidance:

- > Public Inquiries Checklist, available from the contact point below

Contact point:

- > Central Secretariat, Cabinet Office (tel. 020 7270 1863)

Public interest immunity

- > Where relevant Government documents or information are required to be disclosed in court proceedings in England and Wales, it is open to a Minister (or in exceptional cases a Head of Department) to make a claim for public interest immunity (PII) for the document or information in question. This is normally done by signing a certificate which declares that, in the Minister's opinion, it is in the public interest that the information should not be disclosed to the proceedings and thus made public. This is always subject to the overriding power of the court to order disclosure.

The then Attorney General's written Parliamentary Answer of 11 July 1997 endorsed the previous administration's approach to public interest immunity, which was set out in a paper placed in the Libraries of the House on 18 December 1996. The Government will only assert public interest immunity where the relevant Minister believes that the disclosure of the document or information concerned would cause real damage to the public interest. This test is to be applied rigorously. Where public interest immunity applies, Ministers are nevertheless expected to consider the possibility of authorising voluntary disclosure, where they are satisfied that the interests of justice outweigh the public interest in withholding the information.

Records and archives

Further guidance:

- > Paper placed in the Libraries of the House on 18 December 1996, available from legal advisers
- > Accountability for events under a previous administration, Directory, Volume II on public interest immunity for papers of a previous administration which current Ministers would not normally see

Contact point:

- > Legal advisers

> The Public Records Act 1958 places an obligation on civil servants to look after ... public records of any description which are not in the Public Record Office ... (Section 3(1)). The records management procedures adopted by all departments must comply with the terms of the Public Records Acts and other relevant statutes (the Data Protection Act 1998, Freedom of Information legislation etc) and with the relevant Codes of Practice deriving from those statutes. The Departmental Record Officer can advise on the systems operating in their Department.

Contact point:

- > Your Departmental Records Officer

Recruitment to the Civil Service

> Recruitment to the Civil Service is subject to the fundamental principle of selection on merit on the basis of fair and open competition, as required by the Civil Service Order on Council 1995. The mandatory *Civil Service Commissioners Recruitment Code* interprets this requirement, sets out the limited permitted exceptions to selection on merit, and requires departments, agencies and the devolved administrations in Scotland and Wales to publish information about their recruitment. It also provides guidance on the Commissioners' audit of their recruitment policies and practices. The Commissioners' approval is required for appointments to the Senior Civil Service (apart from those of less than 12 months), and guidance on this is set out in the *Civil Service Commissioners Guidance on Senior Recruitment*.

Within this framework, departments, agencies and the devolved administrations in Scotland and Wales have authority from the Cabinet Office to determine their practices and procedures for recruiting staff to the Home Civil Service. They also have authority to prescribe the qualifications for appointment to positions in their organisations relating to age, knowledge, ability, professional attainment, aptitude, potential, health and coping with the demands of the job.

Further guidance:

- > Section 1.1 of the Civil Service Management Code, available from personnel sections or at www.cabinet-office.gov.uk/civilservice/index/publish.htm
- > Civil Service Commissioners' Recruitment Code and Guidance on Senior Recruitment, available from the contact point below.

Referendums

> Senior Civil Service: Appointments and Recruitment to, *Directory, Volume II*

Contact point:

> Office of the Civil Service Commissioners (tel. 020 7270 5065/5066)

Regularity and propriety

> Cabinet Office guidance on the role of civil servants in a referendum campaign, including with regard to campaigning organisations, is published before each referendum campaign. It is based on the provisions of the *Civil Service Code*.

Contact point:

> Central Secretariat, Cabinet Office (tel. 020 7270 1863)

> Regularity and propriety are two areas of particular concern for Accounting Officers whether in government departments, Next Steps executive agencies, or non-departmental public bodies; their equivalents in the National Health Service, and officials who exercise financial authority on behalf of accounting officers. *Regularity and Propriety* draws on cases arising from National Audit Office/Public Accounts Committee scrutinies to give guidance to Accounting Officers

Further guidance:

> Regularity and Propriety, available from the Treasury and at www.hm-treasury.gov.uk/pub/html/docs/regprop/main.html

Contact point:

> Treasury (tel. 020 7270 4304)

Regulation: reducing unnecessary burdens

> The Government is committed to removing and amending unnecessary and inefficient regulation. But legislative time to introduce primary legislation to make the necessary changes is tight. One method of making a change without being reliant on primary legislation is by using a deregulation order under the Deregulation and Contracting Out Act 1994 (DCOA).

Legislation may be amended by use of a deregulation order under the DCOA if it places an unnecessary burden on business, charities or members of the public. A proposal must reduce a burden whilst at the same time maintaining any necessary protections. The Cabinet Office Regulatory Impact Unit will advise on whether a proposal satisfies the criteria of DCOA.

The Regulatory Reform Bill, to be introduced in the current session of Parliament, aims to expand the deregulation order-making power. Orders under the proposed new power would also be capable of addressing the restrictive effect of legislation which is insufficiently enabling, applying to post-1994 legislation, relieving restrictive effects from the public sector, imposing new burdens and clarifying uncertainties in legislation.

The test of maintaining necessary protection would be retained and supplemented by an additional test that no order should prevent anyone

Regulation: Regulatory Impact Assessment

from exercising an existing right or freedom which they might reasonably expect to continue to exercise (the reasonable expectations test).

Further guidance:

- > Deregulation Order-making power guidance note, available from the contact points below.
- > Website address: www.cabinet-office.gov.uk/regulation

Contact points:

- > Departmental Regulatory Impact Units (who act as departments' main points of contact with the Cabinet Office Regulatory Impact Unit)
- > Regulatory Impact Unit, Cabinet Office (tel. 020 7270 6651)

> If regulation is excessive or poorly conceived, its intended benefits disappear, often to be replaced by less choice, higher prices and lower employment and investment. Officials should therefore ensure that no regulatory proposal which has an impact on businesses or the voluntary sector is considered by Ministers without a regulatory impact assessment (RIA). An RIA is a short, structured document which must be published together with primary, secondary and EC legislation. It briefly sets out the issue that has given rise to a need for legislation; the risks, costs and benefits of the proposal; who is affected; and any non-regulatory options. Any Cabinet or Cabinet Committee correspondence that seeks collective agreement on a significant regulatory proposal must also contain an impact statement agreed with the Cabinet Office Regulatory Impact Unit.

Further guidance:

- > The Better Regulation Guide sets out full details of how and when to complete an RIA. Available at www.cabinet-office.gov.uk/regulation/1998/brg/brg_contents.htm and from the contact points below.
- > A companion Guide to Better European Regulation provides specific advice for officials involved in negotiating and implementing EC legislation. Available at www.cabinet-office.gov.uk/regulation/1999/europe/bettereuro.htm and from the contact points below.

Contact points:

- > Departmental Regulatory Impact Units (who act as departments' main points of contact at official level with the Cabinet Office Regulatory Impact Unit)
- > Regulatory Impact Unit, Cabinet Office (tel. 020 7270 6951)

Research into public opinions and attitudes

> There are many circumstances in which Government conducts research into public attitudes and opinions. It is important to seek professional advice when commissioning research, and it is good practice to publish the results. While it is perfectly proper to conduct such research into areas of political controversy, care should be taken that the project meets a range of conditions. The research should not be used for party political purposes;

spending on it must represent value for money for the taxpayer; and it should be justified by the needs of the policy or programme in question. Particular attention should be paid to avoiding political bias during election campaigns, when research is governed by special guidance.

Further guidance:

- > Government Research into Public Attitudes and Opinions, [available from the Central Secretariat, Cabinet Office](#)

Contact point:

- > Your Department's central research unit, where they exist
- > Central Secretariat, Cabinet Office (tel. 020 7270 5598)

**Scientific advice:
use in policy
making**

> The *Guidelines on the use of scientific advice in policy making* set out some key principles applying to the use and presentation of scientific advice in policy making. It is for individual departments, agencies and the devolved administrations to determine how these should apply in detail. However, they will be particularly relevant to cases where there is significant scientific uncertainty; where there is a range of scientific opinion; or where there are potentially significant implications for sensitive areas of public policy. The Guidelines apply to advice and research in science, engineering and technology, although aspects may usefully be applied to a broader range of issues involving other disciplines. They cover the need for early identification of issues requiring scientific advice, the need to obtain the best possible advice from a wide variety of sources, and a presumption towards openness. They are intended to complement more extensive guidance already available on risk assessment and policy evaluation. Implementation is overseen by the Ministerial Science Group, an informal Ministerial committee which promotes a co-ordinated and coherent view of science and technology policy making across Government.

Further guidance:

- > Guidelines on the use of scientific advice in policy making, [available from the contact points below](#)

Contact points:

- > your Department's Chief Scientist or equivalent
- > the Office of Science and Technology (tel. 020 7271 2123)

Security

> The aim of protective security is to ensure that the assets for which the Government is responsible are protected against compromise. Assets encompass not only documents and information, but also people, materials, valuables and cash, equipment, operating systems, etc. The policy on protective security applies to all Government departments and agencies, contractors and others who have access to Government assets.

More detailed guidance is available from the contact point below.

Security vetting

Further guidance:

- > Disclosure of protectively-marked information, [Directory, Volume II](#)

Contact point:

- > Departmental Security Officers hold copies of all security manuals, and are responsible for their dissemination within departments

- > The purpose of personnel security measures is to provide an acceptable level of assurance as to the integrity of people who are given authorised access to sensitive government information or valuable assets. The security vetting process is intended to provide assurance that individuals who need access to such assets in order to do their jobs are unlikely to be susceptible, for whatever reason or motive, to temptation or pressure that will cause them to abuse this access. The Government's current personnel security policy is outlined in the then Prime Minister's statement of 15 December 1994 (Hansard Written Answers, Col 764 766).

Contact point:

- > Departmental Security Officers

Select Committees

- > Officials are expected to be as helpful and forthcoming as possible when appearing on behalf of Ministers before Select Committees. In giving evidence, they should be guided by the *Code of Practice on Access to Government Information* (see under *Freedom of Information and Open Government*) and the *Resolutions on Ministerial Accountability* carried on 19 March 1997 for the Commons (Official Report, col 1046 47), and on 20 March for the Lords (col 1055-62). *Departmental Evidence and Response to Select Committees* (the Osmotherly Rules) provides detailed guidance for departments on all aspects of relations with Select Committees. Devolution Guidance Note 12 provides specific guidance for Ministers and officials called to give evidence before Committees of the Scottish Parliament and the National Assembly for Wales.

Further guidance:

- > Departmental Evidence and Response to Select Committees, available at www.cabinet-office.gov.uk/central/1999/selcom or from the contact points below.
- > Devolution Guidance Note 12: Attendance of UK Ministers and Officials at Committees of the Devolved Legislatures

Contact points:

- > Departmental Select Committee Liaison Officers, who act as the main point of contact at official level with select committees
- > Central Secretariat, Cabinet Office (tel. 020 7270 1863)

Select Committees: leaked reports

Civil Servants in receipt of a leaked Select Committee Report must not make any use of it nor circulate it further. They must return the report without delay to the Clerk of the relevant Committee, and only then may they inform their Ministers or Assembly Secretaries. Leaked reports from Committees of the devolved legislatures must be handled in the same way.

Further guidance:

- > Civil Service Management Code, available from personnel sections or at www.cabinet-office.gov.uk/civilservice/index/publish.htm

Contact points:

- > Departmental Select Committee Liaison Officers, who act as the main point of contact at official level with select committees
- > Central Secretariat, Cabinet Office (tel. 020 7270 1863)

Selling Government services into wider markets

The Government's policy is to encourage the profitable use of irreducible spare capacity by public sector bodies provided that such use does not jeopardise the core functions of the bodies concerned.

Further guidance:

- > Selling Government Services into Wider Markets, available from The Stationery Office, and at www.hm-treasury.gov.uk/pub/html/docs/sgswm.html

Contact point:

- > Treasury (tel. 020 7270 4777)

Senior Civil Service

The Senior Civil Service (SCS) consists of the 3,500 most senior managers and policy advisers in the Civil Service. The personnel management framework for the SCS is laid down by the Cabinet Office to promote cohesion and to ensure the effective development and deployment of senior staff, although responsibility for the management of the SCS is principally a matter for departments.

The Civil Service Corporate Management Command in the Cabinet Office provides guidance on general issues affecting the SCS, and requires data from departments on an annual basis (as at 1 April) regarding individual SCS members and their pay for corporate management purposes, to satisfy the information and monitoring requirements of the Senior Salaries Review Body, the Head of the Home Civil Service and Ministers.

Further guidance:

- > Chapter 5 of the Civil Service Management Code, on SCS terms and conditions: available from personnel sections or at www.cabinet-office.gov.uk/civilservice/index/publish.htm
- > A Checklist of Procedures for Senior Appointments: available from the Senior Appointments, Succession Planning and Mobility Brokerage Team in the Cabinet Office (tel. 020 7270 6297)

Service First programme

- > The Civil Service Commissioners' Guidance on Senior Recruitment: available from the Commissioners' Office (tel. 020 7270 5080) or at www.open.gov.uk/ocsc/senior.htm
- > Personnel Managers' Guide to Pensions and Compensation: available from Civil Service Pensions Division in the Cabinet Office (tel. 01256 846461)
- > Interchange Good Practice Guide: available from the Interchange Unit in the Cabinet Office (tel. 020 7270 1842)
- > Senior Civil Service: Appointments and Recruitment to, Directory, Volume II

Contact point:

- > Civil Service Corporate Management Command, Cabinet Office (tel. 020 7270 6129)

> *Service First – the new Charter programme* was launched on 30 June 1998, following an extensive consultation exercise with a wide range of organisations and individuals to find out how the programme might be focused so as to deliver better, simpler services. Service First gives emphasis to four main themes: responsiveness; quality; effectiveness; and working across sectors. It encompasses not only charters and Charter Mark but also innovative projects including the People's Panel and the Better Government for Older People programme, and is an important part of the Modernising Government agenda.

Further guidance:

- > Service First – the new Charter programme (policy statement) available at www.servicefirst.gov.uk/1998/sfirst/bk1toc.htm

Contact point:

- > Modernising Public Services Group, Cabinet Office (tel. 020 7270 1826)

Service Standards for central Government

> Six service standards (often referred to as the Whitehall standards) were introduced on 1 April 1997 to improve the quality of central government services to the public. These include things like answering letters quickly and clearly (with a published target for how long a reply will take); providing clear and straightforward information; having a complaints procedure in place; and consulting users on the services provided. New standards covering waiting times in public offices, the time taken to answer calls to telephone enquiry points, and the establishment of e-mail enquiry points, came into force from 1st October 1999.

Further guidance:

- > The Six Standards for Central Government, available at www.servicefirst.gov.uk/index/library.htm

Contact point:

- > Modernising Public Services Group, Cabinet Office (tel. 020 7270 1965)

Social Exclusion

> The Social Exclusion Unit in the Cabinet Office carries out projects and co-ordinates policy programmes on social exclusion. Departments should consult the SEU when developing proposals in this area.

Further guidance:

> Further information about the Unit's role, current work, and senior staff can be found at www.cabinet-office.gov.uk/seu

Contact point:

> Social Exclusion Unit, Cabinet Office (tel. 020 7270 5253)

Special Advisers

> Special Advisers are appointed under the Civil Service Order in Council 1995 (as amended). With the exception of up to three posts in the Prime Minister's Office (allowed by the amended Order of 2 May 1997), the appointments are for the purpose only of providing advice on matters of Government policy to the appointing Minister, and for a period which cannot extend beyond the end of an Administration. Special Advisers are employed to serve the objectives of the Government and the Department in which they work. This is the basis on which they are paid from public funds.

Cabinet Ministers may each appoint up to two Special Advisers.

Appointments require the prior written approval of the Prime Minister. All appointments should be made, and all Special Advisers should operate, in accordance with the terms and conditions of the *Model Contract for Special Advisers* published in May 1997.

Further guidance:

> Model Contract for Special Advisers, available from the contact point below

> Ministerial Code, available at www.cabinet-office.gov.uk/central/1997/mcode/index.htm or from the contact point below

Contact point:

> Central Secretariat, Cabinet Office (tel. 020 7270 1865)

Sponsorship

> Many Government Departments are working with the private sector to encourage or secure sponsorship for events such as conferences or publicity campaigns. This may be a useful means of saving public expenditure by engaging the generosity or legitimate mutual interests of Government and industry. But it is essential that Ministers and Departments put procedures in place to ensure that any returns sponsors receive are not greater than is proper and proportionate, and that any sponsorship agreement is able to withstand public scrutiny.

Further guidance:

> Sponsorship, Directory, Volume II

Contact point:

> Central Secretariat, Cabinet Office (tel. 020 7270 1987)

Staff transfers in the public sector

> Departments, agencies and the devolved administrations should utilise the provisions of the Transfer of Undertakings (Protection of Employment) Regulations (TUPE) wherever possible when transferring staff to a new employer as a result of contracting exercises with the private sector or re-organisation within the public sector. TUPE implements the 1977 European Council Acquired Rights Directive and protects employees terms and conditions when the business in which they work is transferred from one employer to another. The Cabinet Office has produced *Staff Transfers in the Public Sector: Statement of Practice* to assist departments and agencies, and the wider public sector, in utilising the TUPE regulations.

Further guidance:

- > Staff Transfers in the Public Sector: Statement of Practice, available from the contact points below
- > See also Better Quality Services on contracting out

Contact points:

- > Personnel sections
- > Personnel Management and Pay Division, Cabinet Office (tel. 020 7270 4693)

Statistical surveys

> All statistical surveys of businesses or local authorities conducted by, or on behalf of, Government departments or agencies require prior approval by the appropriate minister. Procedures for the *Control of Statistical Surveys* provide the mechanism for obtaining this by requiring departments to submit to the appropriate minister for approval a 3-year rolling plan of the surveys to be carried out. Each plan will include overall details of the cost to businesses of taking part in surveys, proposals for improvements in the collection of statistics and a report on previous survey activity.

Further guidance:

- > Control of Statistical Surveys, available from contact points below

Contact points:

- > Departmental Survey Control Liaison Officers, responsible for liaison with the Survey Control Unit, for providing advice and guidance, and for monitoring survey activity within their department.
- > Survey Control Unit, Office for National Statistics, (tel. 01633 813352)

Statistics

> It is important that official statistics are reliable, and that the public has confidence in them. The White Paper *Building Trust in Statistics* set out the Government's policy for enhancing the integrity of National Statistics, both actual and perceived. Until these new arrangements come into force, civil servants involved in the collection and publication of official statistics should follow the Official Statistics Code of Practice, and seek professional advice on issues such as confidentiality of information and compulsion to provide

Statutory Instruments

information. In particular, civil servants should seek the advice of their departmental head of statistics profession before conducting any market research or data collection activities.

Further guidance:

- > Official Statistics Code of Practice (April 1995), available from the contact points below
- > Building Trust in Statistics (Cm 4412, October 1999), available at www.ons.gov.uk/data/ons/trust.htm or from The Stationery Office

Contact points:

- > Your department's Head of Statistics Profession, if it has one
- > National Statistics and Policy Division, Office of National Statistics (tel. 020 7533 6210, e-mail jon.mcginty@ons.gov.uk)

Statutory Instruments (SIs) are the commonest form of subordinate legislation (also known as secondary or delegated legislation). They are generally made by Ministers, the National Assembly for Wales or The Sovereign in Council, and provide the detailed regulations which implement Acts of Parliament. As such they must always be *intra vires*, that is, they must be within the scope of the enabling power in the parent Act.

Likewise Scottish Statutory Instruments (SSIs) are made by Scottish Ministers under Acts of the Scottish Parliament or powers transferred by the Scotland Act 1998. Statutory Rules of Northern Ireland are made by Northern Ireland Ministers under Acts and Measures of the Northern Ireland Assembly and Northern Ireland Orders in Council.

Further guidance:

- > Statutory Instrument Practice provides guidance on the preparation and making of statutory instruments and the parliamentary procedures relating to them. Available from Parliamentary and Legal Branches, or direct from the Cabinet Office, HMSO (tel: 01603 723020)
- > A supplementary Guide to Scottish Statutory Instrument Procedure is available from the Office of the Solicitor to the Scottish Executive (tel: 0131 244 0585)
- > An equivalent Memorandum on Subordinate Legislation relating to Statutory Rules of Northern Ireland may be obtained from the Northern Ireland Statutory Publications Office (tel: 01232 521211)

Contact point:

- > The Statutory Instruments Registrar (tel. 020 7210 0420)

Travel by Ministers and their advisers

Ministers are required under the terms of the *Ministerial Code* to make efficient and cost effective travel arrangements. When Ministers travel on official business, their travel expenses should normally be borne by the Departmental Vote. When any expenses are not met in this way, Ministers

will wish to ensure that no undue obligation is involved. Official transport should not normally be used for travel arrangements arising from Party or private business, except where this is justified on security grounds.

If necessary, a Minister may take a Special Adviser on an overseas visit at the public expense, but when an unpaid adviser whose salary is not met from public funds accompanies a Minister on Government business, any additional expenditure which may be incurred should not normally fall on public funds. The written approval of the Prime Minister should be obtained before a Special Adviser or an unpaid adviser accompanies a Minister overseas. All travel by Special Advisers must comply with the requirements of the *Ministerial Code* and the *Civil Service Management Code*.

Further guidance:

- > The Ministerial Code and Travel by Ministers, available from the contact point below

Contact point:

- > Central Secretariat, Cabinet Office (tel. 020 7270 1865)

Travelling expenses of civil servants spouses and partners: use of official funds for

> Heads of Departments have discretion in certain exceptional circumstances to authorise the reimbursement or payment for meals, travel and overnight accommodation for spouses and partners of senior officials who accompany their husbands/wives/partners to an official function.

Further guidance:

- > Travelling Expenses of Spouses and Partners, Directory, Volume II

Contact point:

- > Personnel Management and Pay Division, Cabinet Office (tel. 020 7270 4678)

Treaty obligations

> As a matter of international law, treaties are binding on States party to them and not on individuals. Nevertheless, the acts or omissions of public officers or authorities may engage the UK's international responsibility where they raise issues in respect of treaty obligations. Obligations under international treaties may also be relevant to the preparation of legislative proposals, as well as to executive functions. Departmental lawyers should be consulted. Responsibility for concluding all international treaties involving the UK lies formally with the Foreign Secretary. It is essential that the FCO should be consulted at the earliest stage in negotiations to ensure that the instrument, whether a treaty or an informal instrument such as a Memorandum of Understanding, is drafted in accordance with correct international practice. Departments should contact the appropriate FCO geographical or functional department (at desk officer level) for advice on the substance and form of a proposed treaty or informal instrument.

Contact point:

- > FCO geographical / functional departments. Telephone numbers are available from the FCO enquiry point on 020 7270 1500

Unpaid advisers

> The appointment of an unpaid adviser is a personal appointment by the Minister concerned and there is no contractual relationship between such an adviser and the Department. Such appointments carry no remuneration or reimbursement from public funds. The level of Departmental support to unpaid advisers is normally restricted to the provision of typing facilities. In making an appointment, Ministers must ensure that there is no conflict of interest between the matters on which the unpaid adviser will be advising and their private concerns. The normal rules relating to confidentiality and business appointments also apply.

All appointments require the prior written approval of the Prime Minister, and no commitments to make such appointments should be entered into before securing that approval.

Contact point:

> Central Secretariat, Cabinet Office (tel. 020 7270 1987)

Whistleblowing

> The Public Interest Disclosure Act came into force in July 1999. The Act provides employees in both the private and public sectors with protection against victimisation should they blow the whistle in certain circumstances. It allows for disclosures to be made about crime, breach of a legal obligation, miscarriage of justice, danger to health and safety or the environment, and the cover up of any of these. Detailed guidance on how this Act applies to civil servants can be found in Volume II.

Further guidance:

> Whistleblowing, [Directory, Volume II](#)

> Civil Service Management Code, available from [personnel sections](#) or at www.cabinet-office.gov.uk/civilservice/index/publish.htm

Contact point:

> Central Secretariat, Cabinet Office (tel. 020 7270 1987)

Witnesses in civil actions

> Civil servants may have to appear as witnesses in civil actions to which neither their department nor any other Government body is a party. In such situations they may be asked questions, the answers to which would breach a duty of confidence. A duty of confidence may arise when a civil servant, in an official capacity, acquires confidential information relating to a third party. It may be imposed by statute, contract or common law. Where a duty of confidence does arise, it would be a breach of that duty for the civil servant to disclose the confidential information without the prior agreement of the third party (unless, for example, such disclosure is expressly permitted by statute or required by a Court Order).

Alternatively, the questions asked may concern matters for which public interest immunity or some other kind of privilege could be claimed. Similar considerations can arise where civil servants are required to produce documents for the purpose of civil actions.

Working Time Regulations

As soon as civil servants realise that they may be required to give oral or documentary evidence in which such questions are likely to arise, they should seek advice from their departmental legal advisers.

Further Guidance:

- > Entry on Information about suspected crimes

Contact point:

- > Legal advisers

The Working Time Regulations, which came into force on 1 October 1998, provide the same rights and protection for civil servants as for other workers. Guidance issued by the Cabinet Office (which supplements the guidance booklet issued to all employers by the Department of Trade and Industry) includes a collective agreement with the Council of Civil Service Unions on the definition of working time for the Civil Service. The regulations provide some flexibility in how they are applied. Departments, agencies and the devolved administrations in Scotland and Wales may reach agreements to vary or supplement the central agreement for their own staff.

Further guidance:

- > DTI guidance booklet, available at www.dti.gov.uk/IR/work_time_regs or on 0845 60000 925
- > Cabinet Office guidance, available from the contact point below

Contact point:

- > Personnel Management and Pay Division, Cabinet Office (tel. 020 7270 4678)

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The Civil Service Guidance Directory is also
available at

www.cabinet-office.gov.uk/guidance

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