



MOD Personnel Manual

Conduct

Meeting standards of behaviour

Volume 7

Record of Amendments

The sponsor of this volume will issue amendments from time to time by means of **MOD Personnel Instructions**. Complete lists of amendments will be produced twice a year so that holders can check their copy is up-to-date.

Please strike out the number below as you incorporate an amendment.

1	2	3	4	5	6	7	8	9	10
11	12	13	14	15	16	17	18	19	20
21	22	23	24	25	26	27	28	29	30
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MOD Personnel Manual

This publication forms part of the MOD Personnel Manual.

The manual is published in a series of volumes, each covering a personnel topic. They cover terms and conditions and working practices for both industrial and non-industrial staff, specialists and administrators.

The terms and conditions of employment which are set out in the manual and which govern your service in the Ministry of Defence are subject to amendment following consultation and/or negotiation, as appropriate, with the relevant Trade Unions. In accordance with the Department's Consultation Agreement with the Trades Unions, the Unions will be consulted on all management proposals likely to affect civilian staff.

Notification of changes to terms and conditions of service are made to staff through the mechanism of Personnel Instructions or Defence Council Instructions, and/or by amendment to the appropriate manual.

The titles in the series are as follows:

Volume	Title	Reference
1	Series Guide	PM1
2	Recruitment	PM2a and PM2b*
3	Postings	PM3
4	Promotion	PM4
5	Discipline	PM5
6	Restoring Efficiency	PM6
7	Conduct	PM7
8	Attendance	PM8
9	Leaving the MOD	PM9
10	Training and Development	PM10
11	Performance Appraisal	PM11
12	Industrial Relations	PM12
13	Equal Opportunities	PM13
14	Welfare	PM14
15	Apprentices	PM15**
16	Miscellaneous	PM16
17	Senior Civil Service in MOD	PM17***

* PM2b is supplied to Recruitment Authorities only.

** PM15 is supplied to Apprentice and Youth Training Establishment only.

*** PM17 is only supplied to members of the Senior Civil Service.

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Foreword

- 1 This volume is written in a 3 chapter layout:

Chapter 1 has an introduction which sets out key points and makes clear the scope and aim of the volume.

Chapter 2 contains all the important rules and principles which must be followed.

Chapter 3 is intended for a range of accompanying guidance and detailed procedures.

- 2 You will find references in the margin of the main text. For example:

*LEAVING
THE MOD*

This points you to another volume of the MOD Personnel Manual.

*Chapter 1
paragraph 8*

This is a reference to another part of this volume.

- 3 An index to the entire Manual is in volume 1, the series guide.
- 4 Those using this handbook will see that different terms are used with descriptions of rules and standards. Terms like 'it is obligatory', 'it is a departmental requirement', 'managers must' are used to denote mandatory rules. These are mainly (but not exclusively) to be found in Chapters 1 and 2. Elsewhere, managers are advised that they 'should' adopt a certain practice: generally the term 'should' should be taken as meaning 'strongly advised'. In cases of doubt, users should consult the sponsor, at the address below.
- 5 The Headquarters division with overall responsibility for this volume is:

DCP ER - Conduct Unit
Room 458
St Giles Court
1-13 St Giles High Street
LONDON
WC2H 8LD

Tel: 020 721 89110/82145

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Glossary

CSAB	Civil Service Appeal Board
DA Notice	Defence Advisory Notice
DINFOD	Defence Information Division
DPBAC	Defence Press and Broadcasting Advisory Committee
DPR	Defence Public Relations
DSTL	Defence Science and Technology Laboratory
IISS	International Institute for Strategic Studies
IVCO	International Visit Control Office (HQ Sy 5c)
MDP	Ministry of Defence Police
Min(DP)	Minister (Defence Procurement)
PACE	Police and Criminal Evidence Act
RIIA	Royal Institute for International Affairs
RUSI	Royal United Services Institute for Defence Studies
TLB	Top Level Budget
Administration	HM Govt of the UK, the Scottish Executive, and the National Assembly for Wales
Parliament	Parliament of the UK, the Scottish Parliament and Assembly Secretaries to the National Assembly for Wales

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Chapter 1

Introduction

Chapter 1 Introduction

1 The special position of public servants

The Ministry of Defence, like all other Civil Service departments and agencies, sets itself high standards which go beyond normal standards of conduct. In view of their special position as public servants, civilian employees must act in accordance with the normal codes governing personal behaviour, and accept certain limitations and rules during their working day and outside it. Disciplinary action may be taken against an individual who fails to observe the rules of conduct set out in:

- the Civil Service Code;
- this volume;
- regulations published elsewhere in the MOD Personnel Manual;
- other manuals or local standing orders.

Similarly, any other unreasonable conduct which impedes the efficient despatch of departmental business might result in an individual facing disciplinary action.

2 What this volume is about

This volume sets out the high standards of behaviour MOD requires of all its civilian staff and explains the implications of failing to meet them. It covers:

- standards and matters of conscience;
- personal behaviour;
- political activities;
- outside interests and appointments;
- gifts, rewards and hospitality;
- disclosure of information;
- complaints and grievance procedures.

3 Who this volume is for

This volume is intended for:

- all civilian staff, both industrial and non industrial;
- civilian and Service line managers who are managing civilian staff;
- personnel managers.

4 Legislation

The main legislation relevant to conduct is contained in:

Criminal Justice Act 1993

Disability Discrimination Act 1995

European Assembly Elections Act 1978

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Fair Employment Act (Northern Ireland) Act 1976 (as amended)

Health and Safety at Work Etc Act 1974

House of Commons Disqualification Act 1975

Police and Criminal Evidence Act 1984

Prevention of Corruption Acts 1906 and 1916

Race Relations Act 1976

Servants of the Crown (Parliamentary, European Parliamentary and Northern Ireland Assembly) Order 1987

Sex Discrimination Act 1975

Sex Discrimination (NI) Order 1976

Scotland and Government of Wales Acts 1998

5 Equal opportunities

The MOD and its agencies are committed to, and operate a policy of, equal opportunity for all staff. This means that all members of the MOD must be treated fairly in all aspects of employment and there must be no unfair discrimination in the application of the conduct rules contained in this volume on the grounds of gender, marital status, race or ethnic origin, sexual orientation, age, religious belief, or physical or mental disability.

Chapter 2

General Principles

Chapter 2 **General Principles**

Section 1 **Standards and Matters of Conscience**

1.1 **Framework**

*Annex A
Chapter 3*

The Civil Service Code sets out the constitutional framework within which civil servants work and the values which they are expected to uphold. A copy is at Annex A of Chapter 3.

1.2 **Standards**

The Civil Service requires high standards of personal honesty and integrity from all its staff. The nature of the relationship between the Crown and civil servants means that, as a civil servant, you must not behave in a way that brings discredit on the Crown.

You must give your undivided allegiance to the state, where the state has a claim on your services.

You must not put yourself in a position where your duty and your private interests conflict.

You must avoid activities that might conflict with the interests of the Department or discredit the Department by, for example, indulging in heavy gambling, impairing your usefulness or being inconsistent with your position as a public servant.

You must not make use of your official position to further your private interests, or lay yourself open to suspicion of dishonesty.

This section sets out the detailed guidance on the nature of the standards and various rules covering how the standards apply to circumstances that arise when working in the MOD.

1.3 **Constitutional position of civil servants**

As a civil servant you are a servant of the Crown. For all practical purposes the Crown in this context means, and is represented by, the Government of the day.

The Civil Service as such has no constitutional personality or responsibility separate from the duly constituted Government of the United Kingdom, the Scottish Executive or the National Assembly for Wales.¹ It is there:

- to provide the Administration with advice on the formulation of policies;
- to assist in carrying out the decisions of the Administration;
- to manage and deliver the services for which the Administration is responsible.

¹

For the remainder of this volume we use the term Administration to mean Her Majesty's Government of the United Kingdom, the Scottish Executive or the National Assembly for Wales as appropriate.

Some civil servants are also involved, as a proper part of their duties, in the process of presentation of the Administration's policies and decisions.

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1.4 Accountability of Ministers and civil servants

Each Minister is responsible to Parliament² for:

- the conduct of his or her Department; and
- the actions carried out by the Department in pursuit of the Administration's policies or in the discharge of responsibilities laid upon them as a Minister.

Civil servants are responsible to Ministers for their actions and conduct.

1.5 Duty of civil servants to Ministers

The Civil Service serves the Administration of the day as a whole, that is to say Her Majesty's Ministers collectively. The Chancellor of the Duchy of Lancaster is the Minister for the Civil Service. The duty of individual civil servants is first and foremost to the Minister of the Crown in charge of the Department in which they are serving.

It is the duty of MOD staff:

- to serve Ministers with integrity and to the best of their ability;
- to bear in mind in dealings with the public that people have a right to expect that their affairs will be dealt with sympathetically, efficiently and promptly.

1.6 Confidence in a non-political Civil Service

Confidence is the indispensable foundation of a good relationship between Ministers and civil servants. You must conduct yourself in such a way as to:

- deserve and retain the confidence of Ministers, and
- to establish the same relationship with those whom we may be required to serve in some future Administration.

Your conduct must at all times be such that Ministers and potential future Ministers can be sure that confidence can be freely given.

You must conscientiously fulfil your duties and obligations to assist, advise and carry out impartially the policies of the duly constituted Administration of the day.

1.7 Responsibility for policy

Subject to the conventions limiting Ministerial access to papers of previous Administrations, your duty as a member of MOD staff is to:

- make available to Ministers all the information and experience at your disposal which may have a bearing on the policy decisions which the ministers are committed to or are preparing to make; and
- give Ministers honest and impartial advice without fear or favour, whether the advice accords with the Ministers' views or not.

²

For the remainder of this volume the term Parliament should be read as appropriate, to include the Parliament of the United Kingdom, the Scottish Parliament or Assembly Secretaries to the National Assembly for Wales.

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You would be in breach of your duty, and damage your integrity as a servant of the Crown if you:

- deliberately withhold information from Ministers;
- give Ministers advice other than the best you believe you can give;
- seek to obstruct or delay a decision simply because you do not agree with it.

Once Ministers have been given all relevant information and advice, it is your duty to carry out Ministerial decisions, loyally, energetically, and with the same goodwill, whether you agree with them or not.

1.8 Confidentiality

You are under an obligation to keep the confidences to which you become privy in the course of your work. The maintenance of trust between Ministers and civil servants and the efficiency of the Administration depends on you doing so.

There is a general duty on all staff, serving or retired, not to make disclosures which breach that obligation, unless authorised. This duty applies to any document or information or knowledge obtained in the course of duty.

If you disclose information without authorisation you are liable to disciplinary action which may include dismissal, or to civil law proceedings. This applies whether the disclosure is made for political or personal motives or for monetary gain.

This is distinct from liability to prosecution under the Official Secrets Acts 1911-1989.

1.9 Providing information to Select Committees, the media and individuals

In giving evidence to Parliamentary Select Committees your first duty is to your Minister. Thus, when you give evidence to a Select Committee on the policy or actions of the Department:

- you do so as a representative of the Minister in charge of the Department and subject to the Minister's instructions; and
- you are accountable to the Minister for the evidence you give.

This is without prejudice to the Minister's responsibility and accountability to Parliament in respect of the policies, actions and conduct of the Department.

The ultimate responsibility to decide what information to make available, and how and when to release it, lies with Ministers.

This applies to information made available to Parliament, Select Committees, the media, or individuals.

You must not seek to frustrate policies or decisions of Ministers by the disclosure outside the Administration of information to which you have had access. This also applies to former members of staff.

1.10 **Matters of law**

As a civil servant you should not be required to do anything unlawful. In the very unlikely event of being asked to do something which you believe would put you in clear breach of the law, you should report this to a senior officer in your management line, in accordance with the procedures set out in paragraph 1.11. You may alternatively report the matter to a senior officer (see para 1.14) who should, if necessary, seek the advice of the Legal Adviser.

1.11 **Matters of propriety or conscience**

You must raise matters with your third line manager (minimum S level) if you believe that you are being required to act in a way which:

- is illegal, improper, or unethical;
- is in a breach of constitutional convention or a professional code;
- may involve possible maladministration;
- is otherwise inconsistent with the Civil Service Code;
- raises a fundamental issue of conscience.

Chapter 3
Annex A

You must also report evidence of criminal or unlawful activity by others, and any other breaches of the Civil Service Code.

If the third line manager is unable to resolve the matter to your satisfaction, you may appeal to your TLB holder, then to PUS.

The aim is a response at each stage within not more than 20 working days. If this does not happen in the first two stages, you may draw the attention of the PUS's office to the need to expedite the process.

If you believe that PUS's reply does not represent a reasonable response to your grounds for concern, you may report the matter in writing to the Civil Service Commissioners. The Commissioners will not consider any appeal until the Department's internal procedures have been exhausted. Your appeal to the Civil Service Commissioners should be copied to PUS, and addressed to:

Secretary to the Civil Service Commissioners
Room 69a/2
Horse Guards Road
London SW1P 3AL

If the appeal concerns highly classified information you must inform the Secretary to the Commissioners so that the necessary arrangements can be made to handle the information securely.

1.12 **Unresolved matters**

If the matter cannot be resolved on a basis that you can accept, you must either carry out the instruction, or resign from the Department. Even after resignation you are bound to keep the confidence to which you became privy as a serving official.

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1.13 **Urgent matters**

In urgent cases where full process for internal review cannot be completed within the timescale for the action in question, you should carry out the request or instruction and immediately afterwards formally record your dissent and the reasons for it in writing. The procedures for internal review and complaint to the Civil Service Commissioners may still be followed after the event if you have a continuing concern about the action.

1.14 **Opportunity to discuss with senior staff**

While appeals and complaints must be raised through the management line you may, at any stage in the procedure, discuss concerns on an in-confidence basis with a senior officer outside your organisation. DCP ER-Conduct Unit can advise you of the name of the nominated senior officer whom you can approach.

1.15 **Representation at interviews**

In any interview which takes place within the Department you may be accompanied by a representative of your professional organisation or trades union or by a colleague. Representation at any interview with the Civil Service Commissioners is at the discretion of the Commissioners.

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Section 2 **Personal Behaviour**

2.1 **Purpose of the section**

The purpose of this section is to explain what the MOD expects of its staff in terms of personal behaviour. Failure to observe these rules may result in disciplinary action and in some cases criminal action being taken against the individual concerned.

2.2 **Waste or embezzlement**

As a member of MOD you have a duty to prevent the improper use, waste or embezzlement of public:

- money;
- services;
- stores;
- materials;
- labour.

You should report abuse of this kind to a senior line manager.

You must report all cases of loss or damage to official property at once to a senior line manager.

If you waste or embezzle MOD resources, or are party to malpractice, you may be liable to:

- prosecution; and/or
- disciplinary action which may result in dismissal.

2.3 **Prohibited activities**

You must not:

- accept materials, including scrap, from contractors working on MOD premises;
- remove MOD property without authorisation, including scrap, whatever its condition and however small its value;
- repair personal items using MOD resources;
- do unofficial work during working hours;
- possess unauthorised firearms or explosives on MOD premises;
- loan MOD property to individuals for private purposes.

2.4 **Return of loaned items**

You must return all MOD property when no longer required for official duties or when your employment with MOD ceases.

- 2.5 **Private use of official post, IT facilities¹ stationery and telephones**
You must not:
- carry on private correspondence from your place of duty;
 - use the official transit systems for the transmission of private letters;
- Annex N
- misuse MOD IT facilities;
 - use official stationery for private purposes;
 - use an official paid envelope for private purposes.
- INDUSTRIAL RELATIONS
- The entitlements of Trades Union representatives are set out in the Facilities Agreement at Annex H-1 of Volume 12.
- Chapter 3
Annex E
- 2.6 **Problem drinking, alcohol dependency and the misuse of drugs**
Being unfit or behaving badly under the influence of drink or intoxicating substances is a disciplinary offence.
- Chapter 3
Annexes B and C
- Annexes B and C explain the role to be played by colleagues, line managers, welfare officers and personnel managers in helping to identify and overcome any individual's problems with drink or drugs.
- Buying, selling or possessing illegal drugs is a serious disciplinary matter. *It can result in criminal and departmental disciplinary action. This may result in dismissal.*
- Where you suspect a drugs related criminal offence has been committed you must inform MOD Police immediately.
- Every assistance must be given to those who are alcohol or drug dependent, but the normal inefficiency rules and standards continue to apply. Each case must be considered sympathetically on its merits. In particular where individuals persistently refuse help or treatment and as a result their work suffers, inefficiency action may be taken against them.
- RESTORING EFFICIENCY
- 2.7 **Smoking**
You are prohibited from smoking in some areas. You will commit a disciplinary offence if you smoke or take smoking materials into a prohibited area.
- 2.8 **Discrimination**
You must not discriminate against staff on grounds of gender, marital status, race or ethnic origin, sexual orientation, age, religious belief or physical or mental disability. If you believe you have been the subject of discrimination you may complain under the grievance procedure.
- EQUAL OPS
- Section 7
- 2.9 **Harassment and victimisation**
If you harass and bully for whatever reason, or victimise individuals who bring complaints of discrimination or harassment, these are forms of misconduct

¹ *IT facilities encompasses all IT related equipment including hardware, electronic communications equipment, peripherals and storage media, software applications, passwords and all files and materials held on them.*

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- EQUAL OPS* which may result in disciplinary action. If you believe that you have been the subject of harassment, bullying or victimisation you may complain under the harassment complaints procedure.
- 2.10 **Borrowing and lending money**
You must not:
- lend money as a matter of business; or
 - borrow money from a subordinate.
- 2.11 **Gambling**
Gambling on MOD property is prohibited. But Heads of Divisions or Establishments may approve applications to hold sweepstakes or lotteries for charitable or other fund-raising purposes provided that they do not disrupt work or bring the Department into disrepute.
- 2.12 **Liability to be searched**
Chapter 3
Annex D You have a liability to be searched under the conditions described in Annex D. Searches fall into two categories:
- *Statutory searches.* All persons, whether or not employees of the Crown, are liable to be searched by the MOD Police in accordance with the Police and Criminal Evidence Act, 1984, or under other statutory powers vested in the MDP.
 - *Conditions of service searches.* In addition to Police searches, it is a condition of service that all MOD employees have a liability to a search of their person, belongings or transport.
- 2.13 **Reporting of arrests**
If you are:
- arrested; or
 - charged or convicted by the civil police for any reason, other than a minor traffic offence, ie where no penalty of imprisonment or suspension of driving licence is imposed; or
 - given a Police caution; or
 - put on probation; or
 - absolutely or conditionally discharged; or
 - given a suspended sentence or bound over after being convicted of any offence;
- DISCIPLINE* you must report the facts immediately to your personnel manager through senior line management.
- 2.14 **False statements**
You must not make or conspire to make any false statement or claim or withhold information relevant to a claim certificate.
- Such an offence could lead to disciplinary action or criminal prosecution, either of which could lead to dismissal.

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2.15 Safety regulations

You must comply with all safety regulations relating to your work and take every precaution against accidents occurring. You must for example:

- refrain from driving motor vehicles or riding pedal cycles dangerously;
- obey speed limits within any MOD establishment;
- wear the safety harness provided when travelling in official vehicles.

2.16 Prohibited and smuggled goods

You must not smuggle or bring prohibited goods into any MOD establishment, aircraft or vessel.

Articles liable for duty must only be handled with the approval of HM Customs and in accordance with local instructions.

2.17 Solicitation of outside influence to support personal claims

You must not use political or other outside influence to support personal claims or attempt to gain concessions not available to others. This does not include contacting your MP or using statutory rights of appeal such as those contained in the Sex Discrimination or Race Relations Acts.

You are free to seek the help of your Trades Union at any time.

2.18 Purchase from the Government

You must not purchase surplus Government property if you have:

- been able to get special knowledge about the condition of the goods because of your official duties; or
- been officially associated with the disposal arrangements; or
- been offered a discount that would not be available to a member of the public.

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Section 3 **Political Activities**

3.1 **Introduction**

You are required to carry out your duties loyally, regardless of your political persuasion. So that Ministers and the public may have confidence in the political impartiality of the Department's staff, restrictions have been placed on the political activities shown below. The extent to which the restrictions apply to any individual is set out in paragraph 3.2.

National political activities:

- Holding, in a party political organisation, office which impinges wholly or mainly on party politics in the field of Parliament or the European parliament;
- Speaking in public on matters of national political controversy;
- Expressing views on such matters in letters to the press, or in books, leaflets or articles;
- Being announced publicly as a candidate for Parliament or the European Parliament;
- Canvassing on behalf of a candidate for Parliament or the European Parliament, or on behalf of a political party.

Local political activities:

- Candidature for, or co-option to, local authorities;
- Holding, in a party political organisation, office impinging wholly or mainly on party politics in the local field;
- Speaking in public on matters of local political controversy;
- Expressing views on such matters in letters to the press, or in books, articles or leaflets;
- Canvassing on behalf of candidates or election to local authorities or a local political organisation.

You may take part in parish council affairs, but must withdraw from discussions about locally controversial issues concerning the policy or actions of the Department. You should not speak in public, or have published in the press, books, articles or leaflets, any opinions on such issues.

3.2 **Political freedom**

You will fall into one of the following groups which determines your degree of political freedom.

The politically free group consists of all industrial and office support grades. This group is allowed to take part in political activities; although if they wish to stand for Parliament or the European Parliament they are bound by the rules set out in Annex F.

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The *politically restricted group* consists of all staff in pay band B and above, and members of the fast stream development programme. Staff in this group are banned from national political activities. They may seek permission from senior line management to take part in local political activities, and must comply with any conditions laid down by the Department.

The *intermediate group* consists of staff outside the “politically free” group and the “politically restricted” group. Staff in this group must seek permission from senior line management to take part in national or local political activities and must comply with any conditions laid down by the Department.

Chapter 3
Annex G

3.3 Guidelines for approval

The guidelines and principles to be followed in considering applications to participate in political activities are set out in Annex G.

Permission to participate in political activities cannot normally be granted to staff:

- assisting Ministers in policy matters;
- in areas that are acutely politically sensitive, or subject to considerations of national security;
- who represent the Administration or the MOD in dealings with companies, pressure groups, local government, local authorities, foreign governments or any other body, where they have influence in the Administration policy affecting those organisations.

3.4 Participation in political activities

Line management must make clear when granting permission to participate in political activities that permission can be withdrawn at any time and without prior notice if there is a change in circumstances.

On posting, you must seek permission from senior line management to continue the activities. And you must give up those activities if you move to a post where permission cannot be granted.

Chapter 3
Annex H

If you participate in political activities you must follow the Code of Discretion at Annex H.

If you are not in the *politically free* category, and have not been given permission to engage in political activities, you must retain, at all times, a proper reticence in matters of political controversy so that your impartiality is beyond question.

You must not take part in any political activity when on duty, or in uniform, or on official premises. Nor must you attend outside conferences or functions convened by or linked to a party political organisation in an official capacity.

If you are given permission to take part in local political activities you must inform the Department if you are elected to a local authority.

Chapter 3
Annex F

3.5 Parliamentary candidature

The rules governing the resignation and reinstatement of those who seek election to the House of Commons, the Scottish Parliament, the National Assembly for Wales or the European Parliament are set out in Annex F.

3.6 Trades unions and political activities

You do not need permission to take part in activities organised by your Trades Union. Elected Trades Union representatives may comment on Government policy when representing the legitimate interests of their members, but in doing so they must make it clear that they are expressing views as representatives of the union and not as members of the Department.

3.7 Right of appeal

You are entitled to a full explanation of the reasons for:

Chapter 3
Annex 1

- being refused permission to take part in political activities;
- having permission withdrawn.

You must be informed of your right to appeal under the grievance procedure and, ultimately, to the Civil Service Appeal Board. Notification of the intention to appeal to the Board should be submitted within eight weeks of being told the Department's final decision, and a full written case should be submitted within four weeks of the date of lodging the appeal.

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Section 4 **Outside Interests and Appointments**

4.1 **Introduction**

You must not engage in any outside appointments, occupations or activities that:

- would require attendance during working hours, or impair the efficient execution of your duties; or
- might conflict with the interests of the MOD; or
- would be inconsistent with your position as a public servant.

Chapter 3
Annex J

The holding of executive directorships or undertaking executive work for public and private companies (except under authorised secondment or loan arrangements) is generally prohibited. Permission to become an executive director of a small “family type” private company may, however, be granted by senior line management provided there is no conflict with the principles outlined above.

4.2 **Advisory work**

Before accepting an invitation to act in an advisory capacity for a company you must apply for permission to your senior line manager. Permission will not normally be granted where the consultative work:

- is in your special field of activity;
- has a connection with your special duties;
- is on behalf of a firm that is in a contractual, or other special, relationship with the MOD.

Other Government Departments. Before undertaking work for another Government Department in an official capacity you must apply for permission to your senior line management. For payment for such work see para 4.4.

Foreign Governments. You must apply for permission to DCP ER-Conduct Unit before undertaking work for a Foreign Government.

Professional Associations. If invited to hold office in a professional association you must consult your senior line manager. Permission to accept the office is dependent on maintaining reticence when discussing public affairs, particularly those concerning the MOD. The line manager may withhold permission if:

- there is a conflict of interest between the association and the Government; or
- holding the office impinges on official time; or
- holding of office is inconsistent with any of the rules set out in this volume.

Outside appointments cannot be taken into account in posting decisions, nor is special leave allowed to facilitate the activity.

Amdt 4

4.3 Volunteer service with the reserve and auxiliary forces

You must obtain prior written consent from your senior line manager before you join or re-engage in any reserve or auxiliary forces. You do not need permission to join Cadet Forces which have no liability to be called up in an emergency.

4.4 Payment for unofficial activities

The requirement of the Department must be the first call on the time of every full-time member of staff. But, in general, the Department does not impose restrictions beyond those necessary to ensure that official work does not suffer. Provided that outside activities are not considered improper, the Department will only concern itself with outside activities involving any of the following:

Use of official time. If you receive payment for an extra-official activity involving some use of your official time, you must report the matter to DCP ER-Conduct Unit who may allow part or the whole of the payment to be retained if:

- the amount of official time is small and is either made up, or treated as unpaid leave; or
- the activity produces something so outstanding as to bring credit on the MOD, and it would be unreasonable to see it as being covered by normal pay.

Use of official information or experience. You must seek permission from your senior line manager before becoming involved in an extra-official activity using official information or experience. If the activity has already started you must obtain permission before the product of the work is disposed of. The Government might acquire the product.

Payment from Government Departments. You may retain payment for work which is not part of official duty.

If you receive a fee for any publication, broadcast, lecture or writing as part of your official duties you must forward the sum received to DCP ER-Conduct Unit. If an activity is carried out partly or wholly in your own time, DCP ER-Conduct Unit may allow you to retain all or part of the fee.

4.5 The relationships between defence contractors and MOD employees

No Government contract may be let to:

- a civil servant employed in the Department letting the contract; or
- a partnership of which the person is a member, or
- any company of which the individual is a director, unless he or she is a Government nominee, or has disclosed that interest to, and received permission from your senior line manager.

If you come into contact with any official matter in which you have a private financial interest you must disclose that interest to your senior line manager (see also paragraph 4.6 Private investments).

Amdt 4

If your official duties involve dealings with a company or organisation in which your spouse, partner or other close relative is employed, you must report the matter to your senior line manager.

You must not use your official position to raise funds for charity or sponsorship by involving companies with which you have official contact.

You must avoid private transactions with companies with which you are officially involved, unless in the course of normal commercial practice. You must not accept any favour or preferential treatment from any such company.

4.6 Private investments

It is a criminal offence to use information obtained in the course of your official duties for personal advantage or to prevent a financial loss.

*Chapter 3
Annex J*

It is also a criminal offence for you knowingly to obtain any such information (directly or indirectly) from staff or former staff who you know, or have reasonable cause to believe, held the information by virtue of their position or former position within the Department.

You must not:

- use your official position to further your private interests;
- take or contribute to any decision that would affect the value of your private investments or private interests, or the private interests of those to whom you may give advice;
- use information acquired in the course of your official duties to advance your private financial interest, or those of others to whom you give advice.

You may hold stocks, shares and other investments provided they do not conflict with your official duties. You must report to your senior line manager all investments, and those of your spouse, partner and children as far as you are aware of such interests, in any company with which you have official dealings. Your senior line manager will discuss with you what further action may be necessary or desirable if it is considered that there may be a conflict of interest.

4.7 Private trading and canvassing for trade

You must not trade or canvass for gain, either on a personal basis or for others, during official hours or on official premises.

You may work on behalf of officially recognised bodies with the consent of your senior line manager.

4.8 Bankruptcy and insolvency

Your private financial affairs are of departmental concern only if they impair efficiency or discredit the Department.

If you are declared bankrupt or insolvent you must report the matter immediately to your senior line manager.

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4.9 Officially sponsored non-executive directorships
POSTINGS If you are appointed as a non-executive director you do not represent the MOD, but are still subject to the requirements and responsibilities of the Department.

You should avoid any conflict of interest by withdrawing from a Board discussion if a matter arises concerning the MOD. If it becomes apparent that a lasting conflict of interest is likely, you must inform DUS(CM).

You are bound by the Official Secrets Acts and must also observe the company's right to confidentiality.

If you are offered a fee by the company you must make it over to the Department. You must contact DCP ER-Conduct Unit for advice about its disposal.

4.10 Acceptance of outside appointments by non-industrial staff after service (the "Business Appointment Rules")

It is in the public interest that staff with experience of public administration should be able to move into business freely without raising suspicion that:

- the advice given and decisions taken might have been influenced by the hope or expectations of future employment with a particular firm or organisation; or
- a particular firm may obtain an unfair advantage over competitors by employing an official who had access to commercial, technical or other information that those competitors could legitimately regard as their trade secrets.

All non-industrial staff who are considering taking up paid employment with, or as a consultant to:

- an organisation connected with their official duties; or
- a foreign government or foreign publicly-owned organisation

must apply for permission, for a period of 2 years after leaving Crown service. A member of the Senior Civil Service in salary band 4 or above and in a post attracting a minimum JESP score of 13 must apply within that period for permission to take up any paid appointment.

Staff on secondment from the MOD to other organisations are subject to the rules in the same way as other Crown servants.

Staff on secondment to the MOD from other organisations are also subject to the rules in the same way as Crown servants unless they return to their seconding organisation at the end of their secondment and remain there for 2 years.

Special Advisers are subject to the rules in the same way as other Crown servants unless they are offered a post by the same employer which they left on being appointed as advisers and remain there for 2 years.

Applications are not required for:

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- unpaid appointments in non-commercial organisations;
- Special Advisers appointed before 1 April 1996 on terms exempting them from the rules, unless they have volunteered to be subject to them;
- appointments in the gift of Ministers;
- in the case of part-time staff, appointments held with the Department's agreement while they were in Crown service.

As processing applications can take up to 3 months you should submit even a speculative request for approval as early as possible. [Application forms](#) may be obtained from DCP ER-Conduct Unit. You must wait for formal approval before taking up an appointment.

Approval to take up appointments may be unqualified or subject to one of the following conditions:

- A waiting period of up to 2 years from the last day in Crown service, or, where different, the final day in post.
- A ban on involvement in dealings with the Government on behalf of the prospective employer for up to 2 years. This ban may be either absolute or with reference to a specific issue.
- A ban on involvement in dealings between the prospective employer and a named competitor of that employer for up to 2 years.

Officers at PUS and 2nd PUS level (and their direct equivalents) are normally required to serve a minimum waiting period of 3 months between leaving Crown service and taking up an outside appointment. The Prime Minister's Advisory Committee will consider their applications.

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

Where conditions are imposed on the acceptance of an appointment, the applicant may have an interview with the appropriate departmental officer. DCP ER-Conduct Unit will arrange this. If appropriate, the application will be reconsidered at a higher level.

4.11 **Offers of employment while in Crown service**

Anyone who is considering any approach from an outside employer offering employment for which approval would be required under the business appointment rules, must report the approach. Heads of Department must inform the Minister in charge of the Department. People in the Senior Civil Service must report to 2nd PUS as Chairman of the MOD Advisory Panel on Business Appointments, and all others to a senior member of staff 2 steps

Amdt 4

higher in their line management chain. Staff in sections concerned with procurement or contract work must report any approach, whether or not they are considering taking it up.

4.12 Acknowledgement of the rules

Members of the Senior Civil Service are required on appointment and subsequently on leaving Crown service to sign the acknowledgement at Annex K-1 to confirm that they have read these rules. Civilian management authorities are required to take the appropriate action.

The purpose and scope of the business appointment rules and the procedures for considering applications are set out in detail in Annex K of Chapter 3.

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Section 5 **Gifts, Rewards and Hospitality**

5.1 **Legal position**

The acceptance of gifts and other considerations (including hospitality) can be a criminal offence:

- Under the Prevention of Corruption Acts 1906 and 1916 it is an offence for staff to accept, in their official capacity, any gift or other consideration as an inducement or reward for doing or refraining from doing anything, or for showing favour or disfavour to any person.
- Under the Prevention of Corruption Act 1916, any money, gift or other consideration (which includes hospitality) a member of staff receives from a person or organisation holding or seeking to obtain a Government contract would be deemed by the courts to have been received corruptly unless, on the balance of probability, it is proved to the contrary by the defendant.

Observance of these laws prevents staff from being put into a position of temptation or into the power of somebody to whom they will owe a favour.

5.2 **Principles to be observed**

You should not place yourself in a position where your actions might give the impression to anyone, inside or outside the Department, that you may have been or might be influenced to show favour or disfavour to any person or organisation by receiving any gift, reward, hospitality, loan or other consideration. You should have regard not only to whether you feel yourself to have been influenced, but also to the impression that your actions will create on others.

The acceptance of a gift, reward, hospitality or other consideration will be allowed only in exceptional circumstances. You should normally refuse such offers.

Any offer that could be construed as an inducement or bribe (eg offers of holidays, use of vehicles and lavish hospitality) must always be refused and must be reported immediately to your senior line manager.

The same considerations apply to offers made to relatives or friends, where those offers are made because of a relationship or association with a member of the Department.

The soliciting of money from defence contractors, for whatever purpose, is prohibited.

5.3 **Gifts from defence contractors**

You may accept inexpensive seasonal gifts (eg diaries and calendars) and other isolated gifts with a retail value of less than £50 where this would not give rise to public concern. You must not accept gifts with a retail value of over £50 unless refusal would cause offence. If a gift that is not trivial is accepted, you must either:

- forward the item to DCP ER-Conduct Unit for disposal; or

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- display the item in the workplace until it can be passed to DCP ER-Conduct Unit for disposal;
- purchase the item from the Department; or
- unwanted trivial gifts, such as plaques, should be disposed of locally at the appropriate time.

5.4 Exchange of gifts

You may have to accept a gift as a matter of courtesy and to offer a formal official gift in return, for example when dealing with a foreign government. You should not generally initiate such an exchange, but where it is considered appropriate, the gift received remains subject to the rules set out above. Except where delegated authority has been granted, you must obtain the prior approval of Fin Pol (Repayment)² to present a gift in return. Further guidance can be found in JSP 462, Annex C to Chapter 1.

JSP 462

5.5 Gifts from colleagues

Gifts from colleagues or from official contacts who are also personal friends may be accepted only where they are purely personal presents and where their receipt does not breach the principles set out above.

5.6 Awards or prizes

Senior line management may approve the retention of an award or prize, provided it is consistent with the principles set out above, and is offered in recognition of personal achievement in competition with others.

5.7 Complimentary vouchers

If you travel by air on official business, and at public expense, you must not make private use of any customer benefits, that might arise as a result of that expenditure. These could include various frequent flyer bonuses (including Air Miles) and companion or “two-for-one” tickets. You may, however, collect such bonuses to enable you to use the associated benefits (eg priority booking, special lounges) in respect of official travel. You must record the receipt of any benefits accruing from official travel in a Hospitality Book (see below). You should also state in the hospitality book that you have informed the budget manager, in case the bonuses might be used for official purposes.

5.8 Other incentives

Other favours or considerations may be offered by a company or organisation which are not clearly a gift or hospitality eg special discounts or privileges not available to others. You must not accept any offer involving the purchase of goods or services through a contractor, consultant or supplier using their trade discount, or from outlets not open to the general public. This does not include minor incidental benefits, ie petrol tokens acquired on official journeys for which motor mileage allowance is claimed.

5.9 Hospitality

It is common practice for defence contractors and other organisations to offer hospitality. It can range from working lunches, to offers of tickets for sporting or cultural events or even to holidays. You must be very careful about accepting any hospitality from companies with which you are dealing.

Chapter 3
Annex L

Amdt 4

5.10 Recording of gifts, rewards and hospitality

You must record all offers of gifts, rewards and hospitality in a Hospitality Book, regardless of whether or not the offer was accepted or declined.

Senior line management must make arrangements for the assessment and approval of such offers, and for the regular inspection of the books to ensure that invitations are being accepted and recorded in accordance with the rules.

If you are located at a contractor's premises your senior line manager must designate which of the contractor's facilities (for example subsidised canteen meals) you may use.

Chapter 3
Annex L

Detailed guidance on the acceptance of gifts, rewards and hospitality is set out in Annex L of Chapter 3.

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Section 6 **Disclosure of Information**

6.1 **Principles governing disclosure of information**

This section describes the principles governing the public disclosure of information by serving or former members of the Department and sets out the rules that apply those principles to specific cases. The activities governed by this section are:

- public lectures and speeches, interviews with or communications to the press or other media, film, radio and television appearances and statements to non-Governmental bodies, including MOD-sponsored conferences and seminars;
- books, monographs, articles, letters or other text, including supposed fiction;
- theses for degrees, diplomas or MOD-sponsored fellowships;
- participation in outside study conferences, seminars and discussions.

You must not make comment on, or make disclosure of:

- classified or “in confidence” information;
- relations between civil servants and Ministers, and advice given to Ministers;
- politically controversial issues;
- material covered by copyright, unless prior permission has been obtained. Particular care must be taken where the origin of the material is obscure;
- information that would conflict with MOD interests or bring the Civil Service into disrepute;
- information that may jeopardise the commercial interests of the MOD or companies or organisations collaborating with the MOD;
- information that would undermine the security or other national interests of collaborating countries;
- anything that the MOD would regard as objectionable about individuals or organisations;

You must not publish or broadcast personal memoirs reflecting your experience as a Government official, or enter into commitments to do so, while in Crown employment.

6.2 **Greater openness in Government requires:**

- the fullest possible exposition to Parliament and the public of the reasons for Government policies and decisions once these have been announced; and

- improving public understanding about the way the processes of Government work and the factual and technical background to Government policies and decisions.

Ministers are responsible for the exposition of Government policies and decisions. Staff must avoid being drawn into public discussion on justification of Government policies.

6.3 **Seeking permission**

You must obtain authority, before taking part in any outside activity involving:

- the disclosure of information obtained in the course of official duties;
- the use of official experience;
- the public expression of views on official matters.

Chapter 3
Annex M

The procedures for obtaining permission are set out in Annex M to Chapter 3.

You are responsible for seeking this authority in sufficient time to allow proper consideration. Failure to obtain permission before undertaking any such activity is a disciplinary offence.

Elected officials of a recognised trades union or staff association do not need to obtain MOD authority if they are publicising their association's or union's views on an official matter which, because it directly affects the conditions of service of members, is of legitimate interest to them. This exemption does not apply to the (probably rare) case where the official duties of the union or association representative as a public servant are directly concerned with the matter in question;

Paragraph 6.1

You do not need permission to take part in activities organised by, or on behalf of, unions or staff associations, although conduct in public should still be consistent with the principles set out above.

6.4 **International organisations**

When serving in an international organisation, or with visiting forces, you must observe the rules and regulations of that body. You must consult Defence Information Division (D-INFOD) wherever material concerns the UK, or in any cases of doubt.

6.5 **Former members of staff**

After leaving the Department you must obtain official sanction from the MOD before publishing any information gained as a result of your official duties.

6.6 **Press announcements**

Official communications to the Press are made by the public relations staff, or other duly authorised personnel. You must not comment on issues of a politically controversial nature.

6.7 **Broadcasts and media interviews**

If you are approached directly about participation in a radio or TV programme, or about co-operating in the production of a programme you must report the matter in accordance with the detailed instructions in Annex M to Chapter 3. A member of the Defence Information Division or a duly authorised officer must be present at all press interviews.

Chapter 3
Annex M

Amdt 4

6.8 **Release of information at MOD conferences, seminars, etc**
Sponsors of MOD conferences and seminars, at which classified information is to be discussed, must obtain approval from AD CB Sy before issuing invitations.

6.9 **Political conferences**
You must obtain the permission from a senior line manager before attending conferences of a political nature in an official capacity.

6.10 **Outside seminars and study conferences**
If you receive an invitation from a non-governmental body to participate in a study, conference, seminar or discussion you must seek prior permission from:

- D News CPO – (Chief Press Officer) if serving in Ministry of Defence Headquarters;
- D Def Sy (Scientific and Technical), if DPA or DSTL personnel (for clearance of material);
- the TLB holder or his or her delegated representative, if working outside MOD HQ.

In any case of doubt you must consult D Def Pol. You must submit texts in advance in accordance with the procedures set out in the Annex M to Chapter 3.

6.11 **Outside organisations**
You do not need prior approval to take part in the proceedings of the following institutes:

- International Institute for Strategic Studies (IISS).
- Royal Institute of International Affairs (RIIA).
- Royal United Services Institute for Defence Studies (RUSI).

Your participation is, however, subject to the following conditions:

- if nominated by the MOD to participate in a study, conference or seminar on defence problems you are encouraged to make as useful a contribution as possible but, if you are in doubt, you should consult D Def Pol;
- when participating in a discussion, you must be aware that your remarks may be reported and publicised: you should avoid conflict with MOD or Government policy;

Annex N

- you must not reveal classified or commercially sensitive material.

6.12 **Questionnaires**
You must not:

- complete outside questionnaires if it involves disclosing detailed and significant information about official duties. If in doubt you must consult the security officer or the appropriate publication clearance authority;

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- take part in your official capacity in surveys or research projects, even unattributably, if they deal with attitudes or opinions on political matters or matters of policy.

6.13 Disclosure to others

Instructions are contained in the relevant security manuals about disclosure of information to:

JSP 440

- MPs;
- foreign governments or foreigners;
- committee members, consultants and defence lecturers;
- contractors.

6.14 Defence Press and Broadcasting Advisory Committee (DPBAC)

Defence Advisory Notices are addressed to national and provincial newspaper editors, to radio and television organisations, and to some publishers or periodicals and books on defence and related subjects. (DA Notices are issued and amended on the authority of the DPBAC). The Secretary of the DPBAC is available at all times to advise on questions that arise on the application of a DA Notice to some particular set of circumstances. Any advice requested by the press as a whole on the publication of items of information which appear to come within the scope of a DA Notice should be referred to the Secretary DPBAC.

Amdt 5

Section 7 Grievances

7.1 Grievance procedures

If you have a grievance arising out of your service with the MOD and wish to lodge a complaint or to make any request with regard to the grievance, you may do so in accordance with the procedures described below.

You should state clearly, from the outset, the details of your complaint and the remedy or outcome you are seeking.

You may have the assistance of a colleague or trades union representative at any time.

EQUAL
OPPORTUNITIES
Annex G

These procedures should not be used to raise complaints of harassment, which are dealt with under separate procedures.

7.2 Timing

A time limit of **3 months** will normally apply on the eligibility of an employee to initiate a formal grievance unless there are exceptional circumstances eg a particularly serious allegation, a delay in submitting a complaint due to sick absence, evidence of differential treatment becoming apparent after that date or the recurrence of a previous complaint.

Further timescales will also apply during the formal grievance procedures and these are explained below.

7.3 Three Stage procedure

There are three stages to the grievance procedure:

- ≠ Informal discussions.
- ≠ Formal grievance.
- ≠ Grievance appeal.

7.4 Informal discussion

You should take the opportunity, if appropriate, to resolve your grievance informally and locally through discussion. Informal grievances should normally be raised, in the first instance, with your line manager, or the officer who was responsible for the decisions or action about which you are complaining. In raising your complaint, you may also wish to seek advice from your Personnel Officer, Trades Union Representative, Equal Opportunities Officer, or a Welfare Officer. Formal grievances will not normally be considered unless there is clear evidence that the opportunities for informal resolution have been fully explored or are clearly inappropriate. The successful outcome of an informal grievance should be documented on the grievance form and submitted to the DGCP HR Ops Conduct Team.

7.5 Formal grievance

If the informal approach is inappropriate, or if you are dissatisfied with the outcome of an informal grievance, then you may raise the matter formally in accordance with these procedures. The grievance form at Annex P should be completed. This is required in order for you to set out, clearly and in writing, the grounds for your grievance and the redress that you seek. The formal procedure at this stage is as follows:

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- €# You should submit your grievance (using the form at Annex P) to your second line manager or (if your second line manager is part of the grievance) to an appropriate senior line manager who becomes the Grievance Deciding Officer.
- €# You must set out clearly and precisely on the form the grounds of your complaint and the remedy that you seek.
- €# The Grievance Deciding Officer must offer you an interview at this stage and this should normally take place within **10 working days** of receipt of your grievance. The availability of representation where requested will be taken into account when setting dates.
- €# A colleague or Trades Union representative may assist you with your written statement and represent you at the interview.
- €# A Personnel officer should normally attend to provide advice on the grievance procedure and any other policy issues.
- €# A summary record of the interview is to be produced by the personnel officer or an appropriate note taker within **5 working days** of the interview and a copy handed to you for agreement or amendment as necessary.
- €# You will be allowed a further **10 working days** to comment.
- €# The Grievance Deciding Officer will then give you the final record, the decision and a full written explanation within a further **10 working days**.
- €# The Grievance Deciding Officer must copy the written outcome to the TLB/Agency¹ PMA.

The successful outcome of a formal grievance should be documented on the grievance form and submitted to the DGCP HR Ops Conduct Team.

7.6 **Grievance Appeal**

If you are dissatisfied with the response to your formal complaint, you may appeal, normally within **10 working days** of receipt of the written outcome. This time limitation may be flexed to allow for later submission where there is a credible reason for delay, for example, where you or your representative are absent due to sick leave. If you need longer to prepare your appeal or to seek advice you should give notice of your intention to appeal within 10 working days, explaining when your appeal will be submitted. You may appeal against the formal grievance outcome using Part 3 of the grievance appeal form, to **either**:

- €# a more senior line manager within your line management chain, **or**;
- €# the independent Grievance Appeal Panel.

The choice of route rests with you, but only **one** route of appeal may be pursued. This will be the final level of adjudication on your grievance and the outcome will be binding on all parties.

¹ Trading Fund Agencies only

Amdt 5

7.7 **Consideration of your grievance appeal by a more senior line manager, within your line management chain ie the Grievance Appeal Deciding Officer**

- €# You may submit your grievance appeal to your 3rd line manager (or the next senior line manager if you originally raised your grievance to your 3rd line manager) who becomes the Grievance Appeal Deciding Officer.
- €# You will be offered the opportunity of an interview (which will be arranged by the PMA), normally within **10 working days** of the receipt of your appeal.
- €# You may be accompanied by your trades union representative or colleague.
- €# Should you choose not to attend or be represented, the Grievance Appeal Deciding Officer will come to a decision based on your written submission.
- €# The line manager who considered your grievance may also attend the interview. A personnel officer should normally attend.
- €# A summary record of the interview is to be produced by the personnel officer or appropriate note taker within **5 working days** of the interview and a copy handed to you for agreement or amendment as necessary.
- €# You will be allowed a further **10 working days** to comment.
- €# The Grievance Appeal Deciding Officer will then give you the final record, the outcome and a full written explanation within a further **10 working days**.
- €# The Grievance Appeal Deciding Officer must copy the written outcome to the TLB/Agency² PMA.
- €# The outcome of this appeal will be final.

7.8 **The independent Grievance Appeal Panel**

- €# If you opt to appeal to the Grievance Appeal Panel, you should submit your appeal to the Panel through your TLB/Agency PMA.
- €# A copy of your appeal should also be sent to the DGCP HROpsConduct Team and to your 3rd line manager.
- €# You will be offered the opportunity of an interview with the Panel, and you may be accompanied by your Trades Union representative or colleague.
- €# Should you choose not to attend or be represented, the Panel will meet and come to a decision based on your written submission.
- €# The Conduct Team, in conjunction with the TLB/Agency PMA, will arrange for the Panel to interview you at a location as near to your workplace as possible. You will be advised, normally within **20 working days** of receipt of your appeal, of the date for the Panel.

² Trading Fund Agencies only

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- €# You will be informed of the date for the Panel.
- €# You will be granted paid time-off to attend the interview and you may claim any expenses that you incur in the normal way.
- €# The TLB/Agency PMA will prepare a written submission to the Panel and will copy this to you and your representative, to the Conduct Team and to your 3rd line manager, at least **10 working days** before the date of the Panel interview. This submission will summarise the facts, explain the handling of your grievance to date and will include any relevant policy guidance (further guidance for PMAs can be found at Annex P-1). All relevant papers, redacted as necessary to remove any privileged legal advice or third party personal data, will be disclosed to you.
- €# The line manager who considered your grievance and a personnel officer may also be present at the interview.
- €# A summary record of the interview is to be produced by the personnel officer or an appropriate note taker within **5 working days** of the interview and a copy handed to you for agreement or amendment as necessary.
- €# You will be allowed a further **10 working days** to comment.
- €# The Chair of the Panel will then send you the final record of the hearing and a full written explanation of the Panel's decision, including whether it was a unanimous or majority decision, within **5 working days** of receipt of your comments.
- €# The decision of the Panel will be final.
- €# The Chair of the Panel must copy the written outcome to the TLB/Agency PMA.
- €# You should complete Section 9 of the grievance form and submit it to the DGCP HR Ops Conduct Team.

7.9 Composition of the Panel

- €# The Panel will normally consist of the Chair and 2 members.
- €# The Panel will be chaired by either a serving or recently-retired Senior Civil Servant, appointed by PUS and acting on his authority.
- €# A second panel member will be a civilian of sufficiently senior rank but no lower than Band C1 or a Service officer at an equivalent rank.
- €# A third panel member will be drawn from a centrally held list of acting or recently retired senior Trades Union officials.
- €# Exceptionally, should the availability of panel members be difficult, the Chair may be supported by two civil servants or by two Trades Union officials. You would have to agree any change in the panel make-up. Agreement to proceed without a Trades Union member should be ratified by a senior Trades Union official from the union representing the member.

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7.10 **Grievances concerning Performance and Development Reports (PDRs)**
Performance Any issues about your PDR may be dealt with in accordance with the
Appraisal grievance procedure outlined above.

7.11 **Grievances concerning Performance Pay Recommendation Forms (PPRs)**

The grievance procedure does not cover complaints concerning the bonus decision contained on your PPR. The Cluster Manager's decision on relative assessments will be final. However, you may seek a review of the Cluster Manager's decision if you have evidence of a procedural irregularity or evidence has become available that the Cluster Panel was not aware of at the time of the decision.

You may also use your PPR as evidence in grievances on other matters, if appropriate, where the grounds of your complaint concern alleged discrimination, or example, on grounds of race, gender or disability.

7.12 **Grievances regarding decisions or actions taken by persons in other TLBs/HLBs/Line Management Areas**

A grievance concerning a decision or action taken by a person employed in another TLB/HLB/Line Management Area or by a delegated authority should be pursued in that TLB/HLB/Line Management Area in accordance with the procedures described above. Similarly, if you have a grievance against an action taken in a TLB/HLB/Line Management Area you have just left you should raise the matter initially with your former line manager at your last place of duty.

You may have the assistance of a colleague or trades union representative in doing so.

You should first raise the matter with the appropriate officer in the TLB concerned, in accordance with the informal procedures at paragraph 7.4.

If you are dissatisfied with the outcome of your informal enquiries you should raise the matter formally with the second line manager of that officer (minimum Band C2 or equivalent) in accordance with Stage One of the procedures.

If you have reason to raise a grievance against an action taken in another TLB/HLB/Line Management Area you should inform your current line manager.

If you are dissatisfied with the outcome you may pursue the matter in accordance with the grievance appeal stage of the procedure to a more senior line manager within the appropriate management chain, or to the independent Grievance Appeal Panel.

The decision of the senior line manager or independent Grievance Appeal Panel will be final.

7.13 **Grievances about policy regulations**

Grievances which give rise to matters of policy should be dealt with through the procedures described in paragraphs 7.5 and 7.6 above. Should the line manager or Panel considering the appeal consider that a policy change is justified in order to resolve the grievance, they should refer the grievance appeal to the Personnel Director for consideration and final agreement. In

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the event that the Personnel Director does not agree with the line manager's or Panel's view, the matter would be referred to PUS.

7.14 Grievances about JOBS

If you are unhappy with the way in which the JOB was handled you should first try and resolve the matter informally with the appropriate officer in the area that ran the JOB. If you are dissatisfied with the outcome of your informal enquiries, you should raise the matter with the Head of the area that ran the JOB in accordance with the formal procedures described at paragraphs **7.5** and **7.6** above.

Where you believe that line management is not progressing your JOB application in a timely manner to meet the required timetable or you are aggrieved that your application for a post was not supported, the grievance procedure can be activated in tandem with the JOB self nomination process. That a grievance complaint is being taken forward may be annotated on the application form by way of an explanation as to the missing or unresponsive line management comments.

7.15 Harassment complaints

The procedures for raising complaints of harassment are set out in **Annex G** to **Volume 13** of the **MOD Personnel Manual**. There is no appeal against the outcome of a formal investigation conducted under those procedures. The grievance procedures may only be used if you are dissatisfied with the way in which a harassment complaint has been handled.

7.16 Collective complaints

The procedure for dealing with collective complaints and disputes at the workplace is contained in **MOD Personnel Manual, Volume 12**.

7.17 Personnel advice

It is important that line managers should consult personnel officers at each stage of the grievance procedure. A personnel officer should normally be present at a grievance interview to provide policy advice and guidance as required.

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Annex A The Civil Service Code

- 1 The constitutional and practical role of the Civil Service is, with integrity, honesty, impartiality and objectivity, to assist the duly constituted Government of the United Kingdom, the Scottish Executive or the National Assembly for Wales¹ constituted in accordance with the Scotland and Government of Wales Acts 1998, whatever their political complexion in formulating their policies, carrying out decisions and in administering public services for which they are responsible.
- 2 Civil servants are servants of the Crown. Constitutionally, all the Administrations form part of the Crown and, subject to the provisions of this Code, civil servants owe their loyalty to the Administrations¹ in which they serve.
- 3 This Code should be seen in the context of the duties and responsibilities set out for UK Ministers in the Ministerial Code, or in equivalent documents drawn up for Ministers of the Scottish Executive or for the National Assembly for Wales, which include:
 - accountability for Parliament² or, for Assembly Secretaries, to the National Assembly;
 - the duty to give Parliament or the Assembly and the public as full information as possible about their policies, decisions and actions, and not to deceive or knowingly mislead them;
 - the duty not to use public resources for party political purposes, to uphold the political impartiality of the Civil Service, and not to ask civil servants to act in any way which would conflict with the Civil Service Code;
 - the duty to give fair consideration and due weight to informed and impartial advice from civil servants, as well as to other considerations and advice, in reaching decisions; and
 - the duty to comply with the law, including international law and treaty obligations, and to uphold the administration of justice;together with the duty to familiarise themselves with the contents of this Code.
- 4 Civil servants should serve their Administration in accordance with the principles set out in this Code and recognising:
 - the accountability of civil servants to the Minister³ or, as the case may be, to the Assembly Secretaries and the National Assembly as a body or to the officer holder in charge of their department;

¹ *In the rest of this Code, we use the term Administration to mean Her Majesty's Government of the United Kingdom, the Scottish Executive or the National Assembly for Wales as appropriate.*

² *In the rest of this Code, the term Parliament should be read, as appropriate, to include the Parliament of the United Kingdom and the Scottish Parliament.*

³ *In the rest of this Code, Ministers encompasses members of Her Majesty's Government or of the Scottish*

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- the duty of all public officers to discharge public functions reasonably and according to the law;
 - the duty to comply with the law, including international law and treaty obligations, and to uphold the administration of justice; and
 - ethical standards governing particular professions.
- 5 Civil servants should conduct themselves with integrity, impartiality and honesty. They should give honest and impartial advice to the Minister or, as the case may be, to the Assembly Secretaries and the National Assembly as a body or to the office holder in charge of their department, without fear or favour, and make all information relevant to a decision available to them. They should not deceive or knowingly mislead Ministers, Parliament, the National Assembly or the public.
- 6 Civil servants should endeavour to deal with the affairs of the public sympathetically, efficiently, promptly and without bias or maladministration.
- 7 Civil servants should endeavour to ensure the proper, effective and efficient use of public money.
- 8 Civil servants should 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 should not receive benefits of any kind from a third party which might reasonably be seen to compromise their personal judgement or integrity.
- 9 Civil servants should conduct themselves in such a way as to deserve and retain the confidence of Ministers or Assembly Secretaries and the National Assembly as a body, and to be able to establish the same relationship with those whom they may be required to serve in some future Administration. They should comply with restrictions on their political activities. The conduct of civil servants should be such that Ministers, Assembly Secretaries and the National Assembly as a body, and potential future holders of these positions can be sure that confidence can be freely given, and that the Civil Service will conscientiously fulfil its duties and obligations to, and impartially assist, advice and carry out the lawful policies of the duly constituted Administrations.
- 10 Civil servants should not without authority disclose official information which has been communicated in confidence within the Administration, or received in confidence from others. Nothing in the Code should be taken as overriding existing statutory or common law obligations to keep confidential, or to disclose, certain information. They should not seek to frustrate or influence the policies, decisions or actions of Ministers, Assembly Secretaries or the National Assembly as a body by the unauthorised, improper or premature disclosure outside the Administration of any information to which they have had access as civil servants.
- 11 Where a civil servant believes he or she is being required to act in a way which:
- is illegal, improper, or unethical;
 - is in breach of constitutional convention or a professional code;

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- may involve possible maladministration; or
- is otherwise inconsistent with this Code;

he or she should report the matter in accordance with procedures laid down in the appropriate guidance or rules of conduct for their department or Administration. A civil servant should also report to the appropriate authorities evidence of criminal or unlawful activity by others and may also report in accordance with the relevant procedures if he or she becomes aware of other breaches of this Code or is required to act in a way which, for him or her, raises a fundamental issue of conscience.

- 12 Where a civil servant has reported a matter covered in paragraph 11 in accordance with the relevant procedures and believes that the response does not represent a reasonable response to the grounds of his or her concern, he or she may report the matter in writing to the Civil Service Commissioners, 35 Great Smith Street, London, SW1P 3BQ. Telephone: (020) 7276 2613.
- 13 Civil servants should not seek to frustrate the policies, decisions or actions of the Administrations by declining to take, or abstaining from, action which flows from decisions by Ministers, Assembly Secretaries or the National Assembly as a body. Where a matter cannot be resolved by the procedures set out in paragraphs 11 and 12 above, on a basis which the civil servant concerned is able to accept, he or she should either carry out his or her instructions, or resign from the Civil Service. Civil servants should continue to observe their duties of confidentiality after they have left Crown employment.

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Annex B **Problem Drinking and Alcohol Dependency**

- 1 This Annex explains the MOD's policy on problem drinking and alcohol dependency. It also provides guidance on the role played by colleagues, line managers (either Service or civilian), welfare officers and civilian management staff in helping to identify and overcome any individual's problems.
- 2 **MOD/TU Policy**
Alcohol dependency and problem drinking are recognized by the MOD as appropriate areas for management concern and caring action. The Trades Union sides of the MOD Whitley Council also recognize that management, trades unions and colleagues need to co-operate in giving sympathetic understanding to help those suffering from this problem.
- 3 **Colleagues**
Everyone has a role to play in helping the problem drinker in the working environment. It is especially important that signs which may point towards a colleague having a drink problem are not overlooked or ignored out of kindness or a misplaced sense of loyalty. No one should feel guilty about drawing management's attention to a possible problem drinker, since failure to identify drink problems at an early stage can lead to a decline in efficiency or unacceptable behaviour, either of which must be dealt with by normal inefficiency or discipline procedures. The involvement of management can often be the spur for someone to start to recognize that they have a problem and to seek help to overcome it.
- 4 **The Line Manager**
In some work situations excessive drinkers may be a danger to themselves and also to colleagues. In these circumstances line managers must ensure that employees are aware of their responsibilities under the Health and Safety at Work Etc Act 1974. This is particularly important where the work is of a hazardous nature or involves explosives, dangerous chemicals, vehicles or other machinery. Line managers must remove an employee from work of this nature, even if only temporarily, where drinking impairs the ability to work safely.
- 5 When a line manager first notices signs of a decline in an employee's performance and/or attendance, or such signs are brought to the manager's attention, he or she should encourage the employee to discuss the reasons for the deterioration, whether or not an alcohol problem is suspected in the first instance. As well as the more obvious indications, other signs which may point to an alcohol problem include frequent lateness or absence from work, lack of concentration at work and more mistakes than usual, changes in mood and behaviour and frequent headaches or stomach ailments. Should there be any indication that the problem is drink related, the line manager should make every effort to persuade the employee to discuss the problem, to seek help voluntarily from the welfare officer, the employee's own GP or an appropriate agency such as Alcoholics Anonymous, and to undergo any necessary treatment. Line managers should consult civilian management staff and seek advice at an early stage from welfare officers, who are experienced counsellors, on the best way to handle individual cases.
- 6 Once a problem has been identified the line manager should carefully monitor performance and attendance. The inefficiency rules on dealing with problems of attendance or performance have to be followed as in any other

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case. However, absence specifically for a course of prescribed treatment will be covered under normal sick leave arrangements and will not count toward the total of irregular attendance for inefficiency purposes. It is a matter for management discretion whether relapses leading to further treatment are treated in the same way: line managers should refer cases of doubt to CP ER-ADCU.

- DISCIPLINE
- 7 Identification of a drink problem does not provide any exemption from the rules governing discipline. Misbehaviour, unauthorized absence from duty and unfitness for duty due to alcohol have to be dealt with under normal disciplinary procedures in the same way as any other offence.
 - 8 **The Welfare role**
Following discussion between the individual and his or her line manager, either of them may ask a welfare officer for assistance. The line manager should make every effort to encourage the employee to seek welfare or other help. Alternatively the individual may approach the welfare officer independently.
 - 9 The welfare officer can provide support, counselling and advice on where further help and assistance can be obtained for both the employee and the family if necessary. Welfare involvement will be conducted with the appropriate confidentiality, but the employee will be encouraged to discuss the matter with the line manager if this has not already been done. Where the drinking problem could lead to a danger to the employee or colleagues (see paragraph 4 above), the welfare officer is obliged by the Health and Safety at Work Act to inform the line manager, if the employee cannot be persuaded to do so. While a course of treatment is undertaken welfare support will continue to be available.
 - 10 **Educative role of CM staffs**
Many people are unsure of what action to take when first confronted with a problem drinker in the workplace. Line managers should discuss all such cases with the personnel manager concerned, and CP ER-ADCU can give advice as required.

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Annex C **Misuse of Drugs**

- 1 This Annex explains the MOD's policy on misuse of drugs. It also provides guidance on the role played by colleagues, line managers (either Service or civilian), welfare officers and civilian management staff in the early detection, and consequent prevention, of the problems that arise from the misuse of drugs amongst civilian employees. Drugs which are misused may be "over the counter" drugs (including solvents etc), medically prescribed drugs or illegal drugs. Managers risk criminal and/or disciplinary charges if they knowingly allow illegal drugs to be used, supplied or produced on MOD premises.
- 2 **MOD/TU policy and aims**

The Government and the Civil Service Trades Unions have agreed that Departments should concern themselves with any misuse of drugs which affects the behaviour of staff at work. The aim is to act within the law and departmental discipline and inefficiency regulations, to identify and help any employee in difficulties as early as possible. The effects of misuse of drugs may show first in behaviour at work, and could be detrimental to the Department through extended sick leave absence, loss of efficiency, mistakes and accidents. The MOD therefore wishes to ensure that:

 - staff are well-informed about the effects of different drugs on health and work performance, and of the possible employment and legal consequences of drug misuse;
 - line managers are aware of the problems which can be caused at work by drug misuse and are aware of the signs of possible misuse;
 - under the guidance of welfare officers, employees with problems are told about appropriate sources of information, help and advice and encouraged to make use of them.
- 3 **Colleagues**

Everyone has a role to play in helping the employee who misuses drugs in the working environment. It is especially important that signs which may point towards a drug problem are not overlooked or ignored out of kindness or a misplaced sense of loyalty. No-one should feel guilty about drawing management's attention to a possible case since failure to identify a colleague's drug problem at an early stage can lead to more serious problems for them later. From management's point of view, the employee may also decline in efficiency or behave unacceptably, which must be dealt with by the inefficiency or disciplinary procedures respectively.
- 4 **The line manager**

In some work situations drug misusers may be a danger to themselves and also to colleagues. In these circumstances, line managers must ensure that employees are aware of their responsibilities under the Health and Safety at Work Etc Act 1974. This is particularly important where the work is of a hazardous nature or involves explosives, dangerous chemicals, vehicles or other machinery. Line managers must remove an employee from work of this nature, even if only temporarily, where drugs impair the ability to work safely.
- 5 When a line manager first notices signs of a decline in an employee's performance or attendance, or they are brought to his or her attention, the line manager should encourage the employee to discuss the reasons for the

decline, whether or not a drug or alcohol problem is suspected in the first instance. In the case of drug misuse, line managers should be alert to the behaviour of their staff at work. Depending on the drugs used, the effects can be either hyperactivity or a decline in work performance. Increased absenteeism, sharp swings of mood, recurrent or unexplained minor ailments, changes in relations with colleagues and poor timekeeping can be the result of drug misuse although, of course, there could be many other causes. Any of the work symptoms often associated with an inability to cope with stress, domestic unhappiness or excessive drinking can equally well be caused by drug misuse; often these problems can come together in the same individual.

- 6 Some drug misusers will not admit to having a problem until they reach an advanced state of dependency, and not always even then. Line managers therefore need to adopt a common-sense approach and a preparedness to seek expert advice, and knowledge of where to find it. Where they suspect drug misuse they should discuss the situation confidentially with the employee, or invite him or her to do so with the civilian management staff or welfare officer. If there is any suspicion of criminal activity line managers should seek the advice of the Ministry of Defence Police.

7 **Welfare Officer support**

Following discussion between the individual and his or her line manager, either of them may ask a welfare officer to assist. Alternatively the individual may approach Welfare independently. The welfare officer can provide support, counselling and advice on where further help and assistance can be obtained for both the employee and family if necessary. Welfare involvement will be conducted with the appropriate confidentiality but the employee will be encouraged to discuss the matter with the line manager if this has not already been done. While a course of treatment is undertaken the welfare officer will continue to provide support and encouragement to persevere. The welfare officer will consider each case on its merits and give sympathetic consideration to professional recommendations for long-term treatment.

8 **Inefficiency action**

Staff who misuse drugs and undertake treatment to overcome a drug problem will be considered sympathetically, but in fairness to the MOD and to other employees they remain subject to the same rules governing poor attendance or poor performance. Absence specifically for a course of prescribed treatment will be covered under normal sick leave arrangements and will not count towards the total of irregular attendance for sick leave purposes. It is a matter for management discretion whether relapses leading to further treatment are treated in the same way. Managers should refer cases of doubt to DCP ER-Conduct Unit.

RESTORING
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9 **Discipline**

It is stressed that unauthorized possession or supplying of certain drugs (of the so-called "soft" type such as cannabis as well as hard drugs) is illegal and the MOD will view such behaviour very seriously. Buying and selling of drugs, especially at work, are regarded as offences of particular gravity and will not be tolerated. Any charge or conviction for drug offences must be reported immediately. The effect of such an offence on an employee's career will be viewed very seriously and dealt with under the disciplinary procedures. Whilst each case will be considered on its merits, dismissal is the most likely outcome in all work-related cases, and even in some cases which take place outside work.

DISCIPLINE

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10 **Conclusion**

All staff should note their own responsibilities towards themselves and their colleagues under Section 7 of the Health and Safety at Work Etc Act 1974. This makes it the legal duty of every employee to “take reasonable care for the health and safety of himself and of other persons who may be affected by his acts or omissions at work”. Educational leaflets about drug misuse are available on request from CP ER-OWS.

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Annex D Liability to be Searched

The conditions under which searches may be carried out are:

1 Statutory searches

Where such searches are being conducted under statutory Police powers, the nature of the search should be made clear at the outset of the search proceedings.

2 The power to conduct a search is legally enforceable and applies irrespective of any official pass or other document carried, authorising access to MOD property or the movement of equipment or material of any kind. In order to conduct such a search, the MDP must have reasonable grounds for suspicion that an offence has been or is about to be committed.

3 Statutory powers give the MDP the power to search the person, personal belongings and vehicles. They also permit searches in employees' homes or other premises, when:

- the employee is under arrest at the time of the search; or
- when a warrant has been obtained to conduct a search; or
- the employee has given consent. Consent in this situation is entirely voluntary. However, withholding consent may then constitute legal grounds for suspicion referred to at paragraph 2 above.

4 Condition of service searches

These searches may be made on a random basis, and are intended to combat terrorism, to deter or prevent theft, or as a health and safety measure. The liability applies whether or not the employee may be carrying any official pass or other document authorising access to MOD property or the movement of equipment or material of any kind.

5 Refusal to agree to the "Condition of Service" search as described here may be a disciplinary offence but refusal in itself would not give grounds for a search under PACE powers.

6 These searches may be conducted by the MDP, by security personnel including military police or, in exceptional circumstances, by other personnel appointed by the Head of Establishment after consultation with the Trades Unions. They should be conducted under the recognised guidelines used by MDP and other security forces.

7 Searches of the person will be conducted under cover and in private.

8 A body search may be carried out only by a person of the same sex. Transport and personal belongings may be searched by a person of either sex. If an employee requests that personal belongings be searched by a person of the same sex, management should accede where a searcher of the same sex is readily available. Search of belongings will not be delayed or avoided by the non-availability of a searcher of the same sex. Refusal to submit belongings to a search by a searcher of the opposite sex when no-one of the same sex is readily available could be a disciplinary offence.

- 9 If an employee refuses to agree to a search on entry to an establishment, admittance may be denied. Refusal could also be a disciplinary offence under paragraph 5 above.

Annex E Private Use of Official Telephone Facilities

1 Responsibilities

It is everyone's personal responsibility not to misuse the official telephone system. Line managers should be alert to any abuse and should make the following rules clear to their staff, especially those who have recently joined the Department.

2 You must:

- use a telephone charge card or public call box for personal calls. You may also send a fax using your card, provided it does not interfere with official business;
- encourage your private callers from outside to be brief and keep such calls to a minimum.

3 You may:

- when authorised by your line manager, make a call home if you are detained unexpectedly at work after the normal leaving time;
- make a call from an official phone in cases of genuine emergency and real need.

4 You must not:

- make personal calls from an official phone (except in circumstances described in paragraph 3);
- make private calls over networks (tie lines);
- use your office telephone number in external advertisements.

5 Abuse of the official telephone system, by making unauthorised private calls, is in no way different from misuse of equipment, materials or other services. All official telephones are subject to monitoring and staff discovered making private calls are liable to disciplinary action.

Annex F **Parliamentary Candidature for the House of Commons and the European Parliament**

- Section 3.2*
- 1 Civil servants are disqualified from election to Parliament (House of Commons Disqualification Act 1975) and from election to the European Parliament (European Parliamentary Elections Act 1978). They must therefore resign from the Civil Service before standing for election in accordance with paragraphs 2 and 3 below.
 - 2 Staff in the politically free group are not required to resign on adoption as a prospective candidate. But to prevent their election being held to be void they must submit their resignation before giving their consent to nomination in accordance with the Parliamentary Election Rules.
 - 3 All other staff, including those on secondment to outside organisations, must comply with the provisions of the Servants of the Crown (Parliamentary, European Parliamentary and Northern Ireland Assembly Candidature) Order 1987. They must not issue an address to electors or in any other manner publicly announce themselves or allow themselves to be publicly announced as candidates or prospective candidates for election to Parliament or the European Parliament; and they must resign from the MOD on their formal adoption as a Parliamentary candidate or prospective candidate in accordance with the procedures of the political party concerned. Staff not in the politically free group who are candidates for election must complete their last day of service before their adoption papers are completed.
 - 4 Staff in the politically free group who resign to stand for election must be reinstated provided they apply within a week of declaration day if they are not elected. If they are elected, they must still be subsequently reinstated if:
 - they cease to be a Member of Parliament after an absence from the MOD of not more than five years; and
 - they have had not less than 10 years service before their election; and
 - they apply for reinstatement within three months of ceasing to be a Member of Parliament.

If the first two of these conditions are not met, reinstatement is at the discretion of the Department, but applications will be treated sympathetically.
 - 5 TLBs have discretion to reinstate civil servants who are not in the politically free category following resignation to stand for election to Parliament or the European Parliament. Discretion to reinstate should normally be exercised only where it is possible to post staff, at least initially, to non-sensitive areas.
 - 6 Where a former member of staff is reinstated, the period of the break will not count for pay or superannuation purposes. Salary will not be payable during the break.

Annex G **Guidelines and Principles on Participation in Political Activities**

- 1 In exercising discretion over participation by members of their staff in local or national political activities senior line managers must pay regard to the following principles:
 - permission should normally only be refused where staff are employed in sensitive areas in which the impartiality of the Civil Service is most at risk. Permission may be granted to individuals or groups to undertake either national or local political activities;
 - permission should normally be granted in all other circumstances, provided the senior line manager is satisfied that the individual concerned is aware of the need to observe the principles set out in section 3 of this volume and the other rules governing the conduct of MOD employees, including those relating to the use of official information.
- 2 In applying these principles, line managers should regard posts as being “sensitive” if:
 - they are closely engaged in policy assistance to Ministers (or to non-departmental Crown bodies) such as tendering advice or executing immediate Ministerial directives;
 - they are in the private offices of Ministers or senior officials or in areas which are politically sensitive or subject to national scrutiny;
 - they require the post holder regularly to speak for the Government or the MOD in dealings with commercial undertakings, pressure groups, local government, public authorities or any other bodies;
 - the post holder represents the Government in dealing with overseas governments; or
 - the post holder is involved in a significant amount of face to face contact with members of the public who may be expected to know of the post holder’s political activities and makes, or may appear to make, decisions directly affecting them personally.
- 3 Personnel managers are advised to apply as helpful a postings policy as possible to staff who wish to become or remain politically active, provided the staff concerned understand that this may have the effect of limiting their range of experience; and to identify blocks of posts in which staff may be granted advance permission to take part in local or national political activities.
- 4 Where a member of staff is adopted as a parliamentary candidate and is therefore required to resign, TLBs may, at their discretion, make an ex-gratia payment equivalent to the period of notice to be given to the individual if the adoption process does not reasonably allow for the individual to give full notice.

Annex H **Code of Discretion for Participating in Political Activities**

Even when permission to engage in political activities is given to staff in the intermediate or politically restricted groups, their political views should not be so strong as to inhibit or to appear to inhibit, loyal and effective service to Ministers of a different political persuasion. Such permission is therefore subject to the following code of discretion:

Section 3.2

- Individuals in the intermediate and politically restricted groups undertaking political activities should bear in mind that they are servants of the Crown, working under the direction of Ministers, who collectively form the Government of the day. While they are not debarred from advocating or criticising the policy of any political party, comment should be expressed with moderation, particularly in relation to matters for which their own Ministers are responsible, and indeed all comment avoided if the departmental issue concerned is controversial. Personal attacks must be avoided.
- Every care should be taken to avoid embarrassment to Ministers or to the Department which could result, inadvertently or not, from bringing themselves prominently to public notice, as civil servants, in party political controversy.

Annex I Political Activities – Right of Appeal

Chapter 2
Section 7

- 1 A member of staff who is refused permission to take part in political activities or has permission to do so withdrawn, must be given a full explanation of the reasons for the decision. The individual must be informed of his/her right of appeal under the grievance procedure and, ultimately, to the Civil Service Appeal Board. The grievance procedure is set out in Chapter 2, Section 7.
- 2 Notification of the intention to appeal to the Board should be submitted within 8 weeks of being told the Department's final decision, and a full written case should be submitted within 4 weeks of the date of lodging the appeal.
- 3 The Board will forward the appellant's full written case to the Department which should, within 4 weeks of receiving it, explain the reasons for its decision and comment if it wishes on points made by the appellant. The Board will send a copy of the Department's submission to the appellant.
- 4 The Board will tell the appellant when it will consider the case and ask if the appellant wishes to appear in person and to be assisted. If the appellant appears before the Board, the Department will be invited to attend.
- 5 The Board may seek relevant evidence from the Department or from any other person it considers qualified. The Department must, if required by the Board, give the appellant access to other papers which he or she wishes to see, if the Board considers they are necessary for the presentation of the appellant's case. In such circumstances the Board will consider carefully any security consideration before requiring the Department to release any papers to the appellant.
- 6 Appellants have the right to:
 - give further evidence either orally or in writing; and
 - ask a trades union representative or a colleague to assist them with their case and to submit evidence on their behalf.
- 7 The Department may give further evidence orally or in writing.
- 8 The Board will consider the appeal in the light of the rules on political activities. It may recommend to the Department that permission to undertake the activity in question should or should not be granted or that there should be specific conditions applied to the granting of permission. The Board will tell the appellant and the Department of the Board's recommendation.
- 9 If the Head of Department does not accept a recommendation of the Board that permission to undertake political activity should be granted, the Department must submit the case for final decision to the Minister and must tell the appellant and the Board of the final decision.

Annex J Private Interests

- 1 This Annex sets out the rules governing the way in which individuals are required to order their affairs so that no conflict arises, or may be perceived to arise, between their private interests and their public duties. These rules apply to all MOD civilian staff.
- 2 **Criminal offences**
It is a criminal offence under Section 52 of the Criminal Justice Act 1993 for a person, who has information about securities as an insider, to deal in securities whose price may be affected by that information. In this context, a person is an insider if he or his source (whether direct or indirect) has access to the inside information by virtue of his office or employment, and he knows this to be the case.
- 3 **Principles**
Civil servants must not be involved in taking or contributing to any official decision that would affect the value of their private investments or private interests, or the private interests of others to whom they may give advice. Nor should they use information acquired in the course of their official duties to advance their private financial interests, or the private interests of others to whom they may give advice. The following guidance is intended not only to avoid any actual conflict of interest between an individual's public duty and private affairs, but also to protect individuals from being placed in a position where their actions might give the impression to anyone, inside or outside the Department, that they might have acted improperly.
- 4 **Investments**
Civil servants may hold any stocks, shares or other investments, unless they conflict with their official duties. Individuals must, however, declare to their Head of Division or Establishment all investments in any company with which they have official dealings. These declarations should also include details of such investments held by an individual's immediate family. The scope of family declarations will depend on good judgement, but must include investments held by a civil servant's spouse or partner and children, as far as he or she is aware of such interests, or could reasonably be expected to have known of them. Changes in the private interests (eg share disposals or acquisitions) of all those covered by these instructions must also be declared. It is not necessary to declare investments in Unit Trusts or other managed funds, over which the individual has no control, unless a sensitive company is the dominant factor in the investment.
- 5 Where an individual's Head of Division or Establishment considers, as a result of these declarations, that there may be a conflict of interest, he or she will discuss with the declarant what further action might be necessary or desirable. This might range from a voluntary undertaking not to deal in or advise on the holdings in question to, in rare cases, instructions from the Department to dispose of personally held investments. Failure to comply with such instructions may be a disciplinary offence. Each case will be examined on its merits.
- 6 **Directorships, partnerships and other private commercial activities**
The requirements of Crown Service must be the first call on the loyalty and time of every civil servant. Civil servants who are themselves directors or partners, or who hold any other appointment in a private sector commercial organisation must, if the private interest is associated in any way with their

official duties, declare such interests to their Head of Division or Establishment. It may also be necessary to declare such appointments held by an individual's immediate family.

- 7 Where an individual's Head of Division or Establishment considers that there might be a conflict of interest between the declarant's personal activities and his or her official duties, it may be necessary to instruct the individual to resign from the private position. The Department cannot require a member of an individual's family to comply with such an instruction, but, where a conflict of interest arises, it may be necessary to remove the person from the work in question, or to transfer him or her to a new post.
- 8 Any information declared under this Annex will be confidential to the declarant, the individual holding the position of Head of Division or Establishment and, if appropriate, the personnel branch. It is to be destroyed when the declarant leaves the post to which the declaration refers. On assuming a new position within the Department, individuals must decide whether they need to make a new declaration.

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Annex K **Rules on the Acceptance of Business Appointments on Departure From Crown Service**

- 1 It is in the public interest that people with experience of public administration should be able to move into business or other bodies, and that such movement should not be frustrated by unjustified public concern over a particular appointment. It is equally important that when a former Crown servant takes up an outside appointment there should be no cause for any suspicion of impropriety. The Business Appointment rules therefore make it possible, exceptionally, for waiting periods and other conditions to be applied to those proposed appointments that may give rise to such suspicion. The imposition of conditions does not imply anything improper in a Crown servant's relationship with the prospective employer. Rather, it is an indication that an immediate move from Crown service to the employer, or one without conditions, might be open to criticism or misinterpretation.
- 2 The aim of the rules is to maintain public trust in the Crown services and in the people who work in them, and in particular:
 - to avoid any suspicion that the advice and decisions of an officer in the public service might be influenced by the hope or expectation of future employment with a particular firm or organisation; or
 - to avoid the risk that a particular firm or organisation might gain an improper advantage over its competitors by employing someone who, in the course of their official duties, has had access to technical or other information which those competitors might legitimately regard as their own trade secrets or to information relating to proposed developments in Government policy, including the development of market testing proposals, which may affect that firm or its competitors.
- 3 **Submission of applications**
Within 2 years of leaving Crown employment, and in the circumstances set out below, staff must obtain approval before taking any form of full, part-time or fee-paid employment:
 - if they are in the Senior Civil Service in salary band 4 or above and in a post attracting a minimum JESP score of 13; or if they are specialists or Special Advisers of equivalent standing; or
 - if they have had any official dealings with their prospective employer during the last 2 years of Crown employment; or
 - if they have had official dealings of a continued or repeated nature with their prospective employer at any time during their period of Crown employment; or
 - if they have had access to commercially sensitive information of competitors of their prospective employer in the course of their official duties; or
 - if their official duties during the last 2 years of Crown employment have involved advice or decisions benefiting their prospective employer, for which the offer of employment could be interpreted as reward, or have

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involved developing policy, including in-house or other market testing proposals, knowledge of which might be of benefit to the prospective employer; or

- if they are to be employed on a consultancy basis (either for a firm of consultants or as an independent or self-employed consultant) and they have had any dealings of a commercial nature with outside bodies or organisations in their last 2 years of Crown employment.

Note ¹

- 4 Applications should be submitted to DCP ER-Conduct Unit using a standard form (BA form). The time taken to process applications varies according to individual circumstances, but periods of up to 3 months are possible. Applications should be submitted at the earliest opportunity, therefore, even if they are purely of a speculative nature.

5 Criteria for the consideration of applications

All applications will be dealt with individually and on their merits. They will be looked at against 2 sets of criteria: rewards for past favours and trade secrets.

6 Rewards for past favours

For each application it is important to establish the precise nature of the link between the applicant (when a Crown servant) and the proposed employer. A judgement will then be made on whether this link is such that there could be any justified grounds for public perception that the applicant's decisions, or advice given while in Crown service, may have been influenced by the prospect of employment. The following will be relevant: the degree of previous official contact between the applicant and the prospective employer; the nature of the proposed appointment and the connection between the appointment and the applicant's previous official duties; the circumstances of the applicant's departure eg redundancy, resignation or retirement; whether the individual was in a position to influence the outcome of contractual or other dealings between the Department and the prospective employer and, if so, whether the individual acted as a member of a team; whether or not the company might be considered to have benefited from such dealings, and the sums of money involved; whether the individual was involved in developing policy, knowledge of which might be of benefit to the prospective employer. Particular interest will be taken in cases where the applicant took decisions (or contributed to decisions) that resulted in the payment of MOD money to the company concerned.

7 Trade secrets

The possibility that the applicant may have had access to information about proposed developments in Government policy or business, or to information about the prospective employer's competitors which they could legitimately regard as their "trade secrets", including, where appropriate, proposals for in-house bids under market testing, must also be considered. Companies have a right to expect that any information they pass to the Department should be treated in confidence, and that it should not become available to other companies in a way that might distort competition for MOD or other contracts. Companies will be consulted about this in confidence and asked if they have any objections to the appointment; any such objections will not be acted on before being checked for reasonableness.

¹ Application forms may be obtained from DCP ER-CU whose details are provided in the FOREWORD of this volume.

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- 8 These considerations also apply to appointments with foreign publicly-owned institutions or companies.
- 9 **Procedure**
As a general rule, on arrival in DCP ER-Conduct Unit the completed application form will be checked and passed for scrutiny to the appropriate Director of Contracts, who will be invited to comment on the precise relationship between the applicant and the company. Other MOD staff may be consulted as appropriate. This is intended to help the Department reach a view on whether acceptance of the appointment might result in potential criticism or public concern because of any of the factors listed above. Competitors of the prospective employer may also be consulted so that the Department can assess any trade secrets implications of the appointment. Consideration will also be given to the views of the countersigning officer, who should comment on any market-testing proposals in their area which might be affected by the proposed appointment.
- 10 Within the MOD the final decision on whether a condition may be applied to the proposed appointment will be taken by an officer at least 2 grades higher than the applicant. The Cabinet Office will be consulted on all senior applications, and on all other cases where it seems possible that a condition might have to be imposed. The need for confidentiality will be stressed at all stages of the process.
- 11 **Applications to set up consultancies**
The same criteria and procedures apply to applications to establish a consultancy. Many such applications involve self-employed consultants who compete for commissions in the open market (“brass plate consultancies”), where the applicant will not know at the time of establishing the consultancy which companies will place work with it. In these cases it is usual to approve the setting up of the consultancy itself, but to ask the applicant to submit further applications in respect of separate commissions covered by these rules. Such applications will then be judged against the criteria set out in paragraphs 6 and 7 above.
- 12 **Appointments with foreign governments**
Applications to work for a foreign government will be considered against the following additional criteria: whether the Crown servant has been involved in advising Her Majesty’s Government on its policies in relation to the foreign government in question, or whether the Crown servant would have been in a position to acquire special knowledge of Her Majesty’s Government’s policies or intentions, which would be of benefit to that foreign government to the detriment of Her Majesty’s Government or its allies.
- 13 **Conditions that may be imposed**
Once the criteria set out above have been applied, a judgement will be made on whether the appointment can go ahead without condition; or whether one of the following conditions should be imposed for a period of up to 2 years from the final day in Crown employment or, where different, the final day in post:
- A waiting period.
 - A ban on involvement by the applicant in dealings with the Government on behalf of the employer. This ban may be either absolute or with reference to a specific issue.

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- A ban on involvement by the applicant in dealings between the employer and a named competitor of that employer.
 - In the case of consultancies, before accepting commissions a requirement to seek further approval, as set out in paragraph 11.
- 14 In view of their access to policy issues at the highest levels, all applications from Permanent Secretaries, including second Permanent Secretaries, and their direct equivalents which are referred to the Prime Minister's Advisory Committee on Business Appointments are subject to an automatic minimum waiting period of 3 months between leaving Crown employment and taking up any paid outside appointment, unless they have been appointed from outside the Civil Service on a limited period contract. The Advisory Committee has the discretion to recommend waiving the minimum waiting period if, in the Committee's view, the appointment is one which is entirely unconnected with the applicant's official knowledge and no questions of propriety arise. Although applicants serving on limited period contracts will not be required to serve the automatic waiting period, approval of applications may be subject to waiting periods or other conditions in the same way as any other application.
- 15 **Right to interview**
Where conditions are imposed on the acceptance of an appointment, the applicant may wish to have an interview with the appropriate Departmental officer. Should an interview be required, the applicant should contact DCP ER-Conduct Unit, who will help to make the necessary arrangements. If appropriate, the application will be reconsidered at a higher level.
- 16 **National Interest**
There may be occasions when it is possible to make a case that, even though the application of the above criteria would normally lead to the imposition of a condition, the appointment should go ahead for reasons of national interest. Such cases will be rare and will have to be put to Ministers for approval.
- 17 **The MOD Advisory Panel on Business Appointments**
Policy in this area is overseen by the MOD Advisory Panel on Business Appointments. This Panel also considers all senior cases as well as other complicated or contentious cases. Its terms of reference are:
- To advise the Secretary of State, Minister (DP), PUS, and CDP, as appropriate, on all applications for approval to take up business and certain other appointments on leaving Crown service from members of the Armed Forces at Two-Star level and above, and members of the Senior Civil Service in salary band 4 or above and in a post attracting a minimum JESP score of 13.
 - To consider applications from individuals below that level where there may be an unusual risk of controversy or criticism and to reach a decision or offer advice to the Secretary of State, Minister(DP), PUS or CDP as appropriate.
 - To consider any matters arising from the implementation of the rules governing the acceptance of outside appointments, and to arrange for an annual survey and the maintenance of precedents and statistics as necessary.

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18 The membership of the Panel is:

2nd PUS (Chairman)
Personnel Director (Vice-Chairman)
DG Commercial
Defence Services Secretary
A senior Service officer (retired)

The Secretariat is provided by DCP ER-Conduct Unit.

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Annex K-1 **The Acceptance of Outside Appointments on leaving Crown Service**

Acknowledgement to be signed by staff on promotion or appointment to a post in the Senior Civil Service, and subsequently on leaving Crown service. These forms will be retained by the civilian management authority.

I have read the **Business Appointment rules**, a copy of which is attached, requiring officers promoted or appointed to posts in the Senior Civil Service to obtain the assent of the Government before accepting, within 2 years of leaving Crown service, offers of employment covered by the rules.

Signed Date

Name

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Annex L Gifts, Rewards and Hospitality

1 It is impossible to set out rules to govern every conceivable circumstance in which a gift or hospitality might be offered. Much will depend on the nature of the relationship between the Department and the organisation making the offer and the role of the individual in that relationship. The principles set out in Chapter 2, paragraph 5.2 can be applied to all cases and are intended to enable staff to act with propriety when deciding whether or not acceptance is appropriate. If there is any doubt, line managers should be consulted before accepting any gifts or hospitality.

2 Gifts

In general staff should not accept gifts, nor should gifts be accepted by relatives or associates of Crown servants (for example spouses accompanying a member of staff on official visits), where the gift has been given because of the donor's official relationship with the individual or with the Department. The following special circumstances also apply:

- *Where refusal might offend.* Gifts that are not trivial should be refused, but there may be occasions when to refuse such a gift could give offence (for example from foreign Governments); in these circumstances the gift should be accepted and then surrendered to DCP ER-Conduct Unit for disposal, unless it is to be displayed in an office, or bought by the recipient.
- *Retention of gifts at the workplace.* It may sometimes be appropriate to keep a gift so that it can be displayed in an office, establishment, ship, or other headquarters. (For example, this would be appropriate if the donor were paying a reciprocal visit). In these circumstances, DCP ER-Conduct Unit should be notified that a gift has been retained and, when the gift is no longer required for this purpose, it may either be handed over to DCP ER-Conduct Unit for final disposal, or purchased by the recipient.
- *The purchase of gifts.* Trivial gifts (gifts with a retail value of less than £50) may be retained at no cost. Recipients may purchase more expensive gifts, as long as the full value of the gift is paid. The recipient of the gift will be required to obtain a valuation, the cost of which can be deducted from the final purchase price. Receipts go to the Crown. DCP ER-Conduct Unit can advise on the procedure.
- *Offer of gifts in return for gifts received.* Staff should not generally initiate an exchange of gifts. But they may reciprocate where a formal official gift has been received. The provision of public funds for such gifting is confined to Heads of Establishments and two-star officers and above. The gift presented should cost no more than £35 and should normally be of no greater value than the article(s) received. It is not permissible to present official gifts to UK citizens or other Crown servants, UK or foreign representatives of companies, spouses or other persons in attendance, or to those providing a service during visits (for example drivers and interpreters). Applications for approval, with details of the circumstances that make it necessary to participate in an exchange of gifts, should be made to Fin Pol (Repayment) 2 (Tel: 020 7218-2639 (Ext 82639MB)) at least two weeks in advance of the visit. Reimbursement will be arranged on production of a receipt or other evidence of payment. Further guidance can be found in JSP 462, Part 5, Annex C to Chapter 1.

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- *Gifts from colleagues.* Personal gifts may be accepted from colleagues who are themselves Crown servants (for example presentations at the end of a tour of duty). Occasionally gifts may be offered by official contacts who are also personal friends, as a token of that friendship: such gifts may be accepted only where they are purely personal presents and where their receipt does not breach the principles set out elsewhere in this instruction.
 - *Awards or prizes.* Staff may from time to time be offered awards or prizes by defence contractors or other organisations (for example in recognition of work of particular merit in the scientific field or for a display of military skills). Heads of Divisions or Establishments may approve the retention of the award or prize provided it is consistent with the principles set out above, and is offered in recognition of personal achievement in competition with others. In deciding whether the award would give rise to public criticism they should consider the status of the awarding body (and in particular whether the awarding body might benefit from the activity that merited the award), the machinery of selection and the range of people to whom awards are made. Cases of doubt should be referred to DCP ER-Conduct Unit. Awards of high monetary value and those that might attract national publicity should always be notified to DCP ER-Conduct Unit before acceptance.
 - *Competitions.* Staff may enter competitions provided that they are open to the general public and not specifically targeted at either the MOD or Civil Service staff. In these circumstances, the individual may retain any prize that they might win.
- 3 **Private use of benefits arising from official travel**
Staff travelling on official business and at public expense, must not make private use of any customer benefits which might arise as a result of that expenditure. These could include various frequent flyer bonuses (including Air Miles) and companion or “two-for-one” tickets. The collection and use of bonuses to enable staff to use facilities such as priority booking arrangements or special lounges when undertaking official travel is permitted.
- 4 It is essential that decisions regarding the airline or other travel service used for official journeys or the type of ticket or service purchases is not, or perceived to be, influenced by considerations of the personal benefits, which might be obtained. Travel arrangements should be made in accordance with Departmental guidelines on efficiency and economy.
- 5 Staff travelling at Departmental expense, must not seek or accept an inferior class or standard of travel than that to which they are entitled in order to use the difference in cost (or saving) to purchase (in part or full) a second ticket for a spouse or partner. Although the class of travel appropriate to a grade or rank is an entitlement, an individual is free to forego that full entitlement should he or she so wish. However, where an inferior entitlement is accepted at a lesser cost any saving that is secured must fall to the Department and may not be used for personal benefit.
- 6 **Compensation**
Staff travelling on official duty, who are offered compensation in respect of personal hardship or inconvenience caused by disruption of an official journey may retain the compensation. This includes the cancellation or overbooking of an air flight, an excessive delay, or the imposition of a downgrading of class of travel or accommodation. Where an individual

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accepts such compensation (eg a meal or overnight accommodation, or payment in lieu of this) this should be taken into account and identified in any subsequent claim for allowances. Travel and subsistence allowances will normally only be paid in such circumstances to cover any additional expenditure necessarily and actually incurred.

- 7 **Private use of benefits accruing from other forms of official expenditure**
Companies offer a variety of favours or considerations to their customers for purchasing goods. These may include special discounts or privileges not available to the general public; discount vouchers, tokens or loyalty points. It must be remembered that an offer of any such benefits in the context of the purchase of goods or services by the Department is the direct result of the expenditure of public funds. Individual Crown servants must not accept, for their private use, gifts or benefits of any kind from a third party, which are offered in these circumstances. While it is not appropriate for private use to be made of benefits arising from expenditure of Departmental funds, this does not apply to minor incidental benefits, for example petrol tokens acquired on official journeys for which motor mileage allowance is subsequently claimed.
- 8 Any offer to an individual Crown servant involving the opportunity to purchase goods or services through a contractor, consultant or supplier using their trade discount, or from outlets not open to the general public, must be declined. This excludes offers made through the Forces Discount Brochure and similar arrangements available through membership of Trades Unions or other associations.
- 9 **Rewards**
Under no circumstances should anything be accepted from an external organisation that could be construed as a personal reward for a service or transaction which is, or might be, performed as part of an individual's official duties and which benefits the organisation giving the reward.
- 10 **Loans**
Staff should not accept loans of cash or equipment, nor should loans be accepted by the relatives or associates of Crown servants, where the loan has been given, or could be construed as having been given, because of the donor's official relationship with the Crown servant or with the Department.
- 11 **Funds for charity**
Staff who could be expected to have influence on a particular company's business with the Department should avoid placing themselves in a position of obligation by inviting the assistance of such firms in personal efforts to raise funds for charitable purposes.
- 12 **Hospitality**
It is common practice for defence contractors and other organisations to offer hospitality to Crown servants. This can range from "working lunches", to dinners, to offers of tickets for sporting or cultural events, or even to holidays. When deciding whether or not to accept such invitations (including invitations made to relatives or associates) staff must have in mind the principles set out in Chapter 2, Section 5. In particular, staff working in posts that play a role in influencing decisions related to the business activities of a particular contractor (for example staff involved in setting or influencing equipment requirements, funding levels, or timing of market testing, procurement or support projects, as well as those in contracts posts, quality assurance, and

project management) should be most careful about accepting any hospitality from the companies with whom the Department is dealing. This is particularly
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so at a time when any matters that could have financial or other implications for the company are being considered or discussed.

13 The following specific guidance must also be followed:

- Invitations made in a representational role (ie where the person invited is a representative of the Department and does not have any personal involvement in dealing with the organisation that has made the invitation) may generally be accepted, within the limits defined below.
- Hospitality that includes overnight accommodation paid for by a company must not be accepted. Exceptionally it may be accepted where officials act on behalf of a company in support of the sale of defence equipment and it has been agreed that the company will provide travel and accommodation. It may also sometimes be appropriate to accept overnight hospitality where there is no convenient alternative to the company's accommodation (for example a company guest house at a factory in a difficult or remote location), and where the offer arises strictly in connection with an official (working) visit.
- Invitations to lunches or dinners with representatives of private sector companies with whom the Department has business may normally be accepted as long as the purpose of the lunch or dinner is to discuss Departmental business and acceptance is considered to be necessary in the interest of the Department.
- Invitations of a social kind from private sector companies with whom the Department has business, and in particular invitations to sporting and cultural events, should normally be declined. Only in exceptional cases may such invitations be accepted, where acceptance can be shown to line managers to be necessary in the interests of the Department (for example entertaining a foreign buyer or collaborator). The perception of conflict of interest that may arise from one individual's attending an event may be greatly exacerbated by multiple or group attendance. On those rare occasions where attendance can be justified for an individual, the justification should be interpreted as applying to just one individual and not to each individual invited. Line managers must ensure not only that individual acceptances are properly assessed, but that multiple invitations are detected and further assessed in line with this guidance. Repeated invitations from the same source to such events are particularly inappropriate and must not be accepted.
- Transport costs must not be accepted as Travel and Subsistence allowances are expected to cover such expenditure. But local transportation (for example a company car from the nearest station to a factory) may be used. Exceptionally, it may sometimes be appropriate to accept other offers of transport, where they form part of a wider offer to a company's customers, and where the offer arises in connection with an official (working) visit.
- Such things as offers of holidays and the use of vehicles must always be refused, and details of the offers reported to line management.
- No individual should be seen to be favouring one organisation over others. But the acceptance of hospitality from a number of separate

organisations or persons cannot be presumed to remove suspicion of favour, and the preferable course is to accept none.

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- There are various categories of staff who are physically located at a contractor's premises. Arrangements may have to be made to identify which of the facilities they may enjoy (for example subsidised canteen meals); the principles of conduct set out above still apply.

14 **The recording of offers of gifts, rewards and hospitality**

The acceptance of gifts and hospitality can sometimes be the subject of criticism. It is very much in the interests of individuals and the Department that, where it is not justified, such criticism should be convincingly rebutted. To help counter any suspicion of corruption or improper conduct, all offers of gifts, complimentary vouchers, other incentives and hospitality are to be recorded.

- 15 To this end, each Director or Head of Division or Establishment that has contact with persons, firms or organisations holding or seeking to obtain Government contracts are to keep a book (the "Hospitality Book"), which records all offers of gifts, complimentary vouchers, other incentives and hospitality made to all staff in their management area whether accepted or declined. Each Hospitality Book must be bound (not loose leaf) and filled in as offers are made to show in respect of every offer.

For gifts, complimentary vouchers and other incentives:

- The donor of the gift, complimentary voucher, other incentive.
- The date it was offered.
- Description of the gift etc.
- The name of the recipient.
- Whether it was accepted or rejected.
- The disposal action taken.

For hospitality:

- The source of the hospitality.
- The date of the event.
- The venue and type of hospitality.
- The names of the individuals receiving the hospitality.
- Whether the offer was accepted or rejected.

- 16 Hospitality Books must be examined at regular intervals (at least once a year) by line management at SCS/One-star level. Staff at and above Director and Head of Division or Establishment level must maintain their own Hospitality Books, and these must be inspected by staff at a higher grade. An official record of all examinations and their findings must be made and placed on a registered file for audit purposes. All completed hospitality books must be retained for five years before destruction.

17 **Private transactions**

Staff who have official dealings with contractors must avoid transacting any kind of private business with them by any means other than normal commercial channels. No favour or preference with regard to price or otherwise must be sought or accepted which is not also available to the general public. This regulation applies with equal force to staff acting on behalf of others.

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Annex M Procedures for Seeking Permission to Speak in Public, to Lecture, or to Write for Publication

1 Public speaking

Note ¹

Applications or proposals to make public speeches, or film, radio or television appearances, or to communicate with the Press or other non-Governmental bodies, are to be made as follows:

Note ² & ³

- Staff serving in Ministry of Defence Headquarters must seek prior approval from the Press Secretary and Chief of Information (D-INFOD), through their Director or Head of Division. Exceptions to this rule are authorized for Meteorological Office staff and for certain other individuals whose duties bring them into regular contact with the Press and public, but D-INFOD should be consulted in any case of doubt.

Note ³

- Staff serving outside MOD Headquarters must seek the prior approval of their TLB holder, or of the officer to whom his responsibility for giving approval has been delegated. In unusual circumstances, or in any case of doubt, the TLB holder, or his authorized representative, is to consult the Press Secretary and Chief of Information. If there is insufficient time for the necessary consultation, the invitation should normally be refused.

2 It may be desirable and useful to seek permission in principle before embarking on the preparation of the full text where the activity is to be given advance publicity.

3 The rules on payments for broadcasting, lecturing or writing for publication are in Chapter 2, Section 4.

4 Lecturing or writing for publication

Applications for permission to publish any book, monograph, article, letter or other textual material, to give a public lecture or to put forward any thesis for a degree or diploma must be submitted through the author's senior line manager to

- DCC(Navy) by RN TLBs
- DCC(Army) by Army TLBs and the GOC NI TLB
- AHB(RAF) PCB (Air) by RAF TLBs
- D Def Sy (Scientific & Technical) CDP's TLB and for all scientific and technical subjects from any other TLB, using MOD Form 655
- D News Policy by other TLBs.

-
- 1 *Public speeches should be submitted for prior clearance under the procedures for lectures (paragraph 4) if their text is likely to be published afterwards, or quoted by a broadcasting authority, newspaper or magazine, either in whole or in part if they contain scientific or technical data, or if they comment on DPA projects, so that they may be fully cleared in all respects, including Crown copyright aspects.*
- 2 *Because service in the Ministry of Defence is likely to be regarded as conferring a special degree of authority or importance on statements made by an official speaker, Ministerial approval will be sought by D-INFOD in all cases concerning personnel serving in the Ministry of Defence.*
- 3 *Normally permission to express views on politically controversial issues will be refused. For any exception to this rule, D-INFOD will seek the prior approval of the Secretary of State for Defence.*

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- 5 Staff who undertake a MOD-sponsored Defence Fellowship, a NATO Research Fellowship or a M Phil Degree Course in International Relations at Cambridge, and wish to publish the resulting thesis should submit their application through D Def Pol.
- 6 Staff must not enter into commitments or negotiations with private publishers or the organizers of lectures or discussion groups before authority is obtained. Authors who wish to make forward plans or to give advance publicity to any such activity are advised to submit a brief synopsis of the text for approval in principle; the full text must not be forwarded to publishers or other outside bodies before full approval has been given, and it must make it clear to any organisers that participation is subject to clearance of the full text.
- 7 Texts should be complete with illustrations, drawings, etc. They should be typewritten and submitted in duplicate. Material for clearance should reach the appropriate clearance authority as soon as possible and not later than three clear weeks before it is required, as controversial and technical material or lengthy books may take a considerable time to clear. Cases of special urgency can be considered on their merits. If, however, the work is based on or includes any element of official material, information or experience, additional problems of Crown copyright may be involved, and the advice of Copyright Control Section, MOD Library, Great Scotland Yard is to be sought before any commitment is made to use such material. Written permission must be obtained from them to reproduce all Crown copyright material, including extracts, photographs, badges etc in a publication or on a manufactured item, which is not itself Crown copyright. Permission may be subject to payment of a reproduction fee. If D-INFOD staff recommend that there is direct PR value to the MOD, then Copyright Control Section, MOD Library, Great Scotland Yard may appropriately either reduce or waive the reproduction fee. MOD authors should submit such cases to DPR staff for recommendation.
- 8 Applicants must make it clear in their submission to their senior line managers whether or not:
 - use has been made of official material (published or unpublished) either by inclusion of extracts from official documents or by the use of official documents as a basis for the work;
 - the work includes non-official material (eg material obtained from a commercial or private source) and, if so, whether the copyright holder has given written permission for its use;
 - the work is based wholly or partly on their official experience or duties; if the latter, the proportion based on official experience should be stated;
 - the work was done in official time, their own time, or both; if the last, the proportions should be stated;
 - official typing or reproduction facilities were used in preparing the manuscript;
 - a fee or other payment is expected; if so, the amount should be stated.

- 9 The senior line manager must state whether or not publication is recommended when forwarding the application to the clearance authority. His or her comments should accompany that statement whenever it is deemed necessary to comment on any aspects of the application, and particularly where the material deals with scientific, technical or medical matters that are the concern of his or her Establishment.
- 10 Permission to publish will apply only to the text as submitted; if any alternations, other than those of a purely editorial nature, are made after permission has been given, further authority must be sought for the alterations. The granting of permission to publish does not confer official endorsement of the content of the text. Statements tending to imply that official approval has been given, or references to the fact that permission has been granted, must not be included in any part of the text and are not to be made separately. A copy of the text will be retained by the Department for reference.
- 11 Material intended for publication in the journals listed below may be submitted direct to the editors, who will obtain clearance on policy and security grounds as necessary from Service Directors of Public Relations or from MOD publication clearance authorities as appropriate:
- | | | |
|--------------|-----------|-------------|
| RUSI Journal | Navy News | Paper Clips |
| Naval Review | Soldier | Preview |
| Focus | RAF News | PM World |
- 12 Articles or notices concerning social or athletic matters which do not contravene the provisions of security regulations may be published without authority from the Department.

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Annex N **Confidentiality and Official Information**

1 **Rules**

Departments and agencies must remind staff on appointment, retirement or resignation that they are bound by the provisions of the criminal law, including the Official Secrets Act, which protect certain categories of official information, and by their duty of confidentiality owed to the Crown as their former employee.

2 **Standards of conduct to be reflected in local staff regulations**

Civil servants are expected to be prepared to make available official information which is not held in confidence within Government, in accordance with Government policy and departmental or agency instructions. They must not, without relevant authorisation, disclose official information which has been communicated in confidence within Government or received in confidence from others.

3 Civil servants must continue to observe this duty of confidentiality after they have left Crown employment.

4 Civil servants 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. They must clear in advance material for publication, broadcasts or public discussion which draws on official information or experience.

5 Civil servants must not publish or broadcast personal memoirs reflecting their experience in Government, or enter into commitments to do so, whilst in Crown employment. The permission of the Head of the Department and the Head of the Home Civil Service must be sought before entering into commitments to publish such memoirs after leaving the service.

6 Civil servants must not seek to frustrate the policies or decisions of Ministers by the use or disclosure outside the Government of any information to which they have had access as civil servants.

7 Civil servants must not take part in their official capacities in surveys or research projects, even attributably, if they deal with attitudes or opinions on political matters or matters of policy.

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Annex O The misuse of MOD IT facilities

- 1 IT facilities are provided in the MOD for the conduct of official business, including the activities of the Department's Trades Unions. When using MOD IT facilities staff must observe the normal standards of conduct, personal behaviour and propriety. Where there is any doubt about the acceptability of a particular activity, line management advice and approval should be sought.
- 2 It is recognised, however, that it is reasonable for line managers to allow limited use of IT facilities for activities not directly related to the Department's work where these can bring benefits to the MOD and to staff. The responsibility for determining what is reasonable rests with the line manager. Examples include the limited use of internal e-mail to communicate with colleagues for social purposes, the setting up and use of bulletin boards by authorised clubs and societies, Trades Union activities, authorised use of the Internet to obtain travel information or to book tickets, authorised fund-raising activities for charitable purposes, the occasional use of word processors to produce documents to support voluntary activities such as school governor duties.
- 3 Activities which will be considered to be misuse:
 - a. installing, accessing, storing, processing, downloading, producing, displaying or distributing offensive, indecent or obscene material such as sexually explicit or hate literature. This includes behaviour which annoys or harasses others (eg by sending discriminatory or offensive material) and which is in breach of the Department's Equal Opportunities policy. The scope of this is far wider than sexual or racial harassment;
 - b. any activity for political or private commercial purposes;
 - c. contravening Local System Security Policy and Security Operating Procedures for example, connecting to the Internet without approval of the Sector Security Authority or holding any material with a protective marking on a machine connected to the Internet;
 - d. installing, storing, processing, or distributing classified, proprietary, commercial or otherwise sensitive, or *for official use only* information or software on computer equipment or systems not explicitly approved for such purposes;
 - e. obtaining, installing, storing, or using software or information obtained in violation of the appropriate vendor's patent, copyright, trade secret or license agreement;
 - f. the use of another person's account, password, or identity without his or her explicit permission – eg forging e-mail; password abuse;
 - g. developing or introducing malicious software of any kind;
 - h. amending, damaging, deletion or dissemination of other's files, communications or data without the appropriate authority or permission;
 - i. unauthorised personal encryption of files and e-mails;

- j. the distribution or use of files, disks, CD-ROMs and other media without prior checks for malicious software;

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- k. any activity which deliberately attempts to compromise IT facilities, prevent access to them, damage them, cause degradation of performance, or to mislead – without prior authorisation and other than as part of legitimate system testing or security research;
- l. publishing items on the Internet without formal editorial clearance from the appropriate line authority.

This list is not exhaustive and where any doubt exists about the acceptability of a particular activity, advice should be sought from line management.

Staff are reminded that the use of MOD's IT facilities may be monitored and that all activities on the Internet are recorded by the Internet Service Provider.

4 The consequences of improper use of IT facilities

All staff should be aware that the Department is likely to take disciplinary or administrative action against anyone who misuses MOD's IT facilities, or even attempts to do so. This may result in dismissal in the most serious cases.

5 Responsibility for preventing and responding to the improper use of IT facilities

All staff are responsible for ensuring that both they, and their colleagues, use IT facilities in a proper manner. Suspected cases of IT misuse should be reported to line management irrespective of any personal views on the gravity of the alleged offence, or whether or not an individual has been directly affected or offended by the activity in question. Line managers, in turn, must consider what, if any, action to take in accordance with the disciplinary/security procedures.

- 6 Where criminal activity is suspected care should be taken not to take any action that might later prejudice a criminal investigation. If in doubt please seek advice from the appropriate Defence Police organisation (see below). Where any contravention of Departmental security regulations is suspected, the procedures for dealing with security breaches must be observed in addition to any disciplinary and criminal investigations. Security breaches may also give rise to disciplinary action, or criminal prosecution.

7 Where to get advice

If you require further information, please contact the appropriate branch listed below:

IT Security Policy	DSy(Pol)2a Directorate of Security (Policy) Room 335 St Giles Court 1-13 St Giles High Street London, WC2H 8LD	Tel: 83746MB Fax: 81165MB
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Harassment	DCP-ER Equality & Diversity Unit Room 450E St Giles Court 1-13 St Giles High Street London, WC2H 8LD	Tel: 86884MB Fax: 81956MB
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Civilian Conduct & Disciplinary	DCP ER Conduct Unit Room 458 St Giles Court 1-13 St Giles High Street London, WC2H 8LD	Tel: 86244MB Fax: 81956MB
Cases of Suspected Criminal Activity	Ministry of Defence Police Fraud Squad Computer Examination Unit MDP Wethersfield Braintree Essex, CM7 4AZ	Tel: 01371 85 4465/4466 Fax: 01371 854313
Service Police Contacts	Royal Navy Naval Provost Marshal HMS Nelson Queen Street Portsmouth PO1 3HH	Tel: 02392 723996 Fax: 02392 812124
	Army G2 Security HQ Land Erskine Barracks Wilton Salisbury Wiltshire, SP2 0AG	Tel: 01722 433394 Fax: 01722 436800
	Royal Air Force HQ P&SS Operations Room RAF Henlow Bedfordshire, SG16 6DN	Tel: 01462 81 8218/8219 Fax: 01462 817144 (Insecure)

- 8 For further information on MOD's policy on the use of the Internet and e-mail please refer to the following:
 - a. MOD Internet – Acceptable Use Home Page-
<http://www.mod.uk/policy/internet/aup.htm>
 - b. JSP440 – Volume 3.

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Form for submitting and recording grievance complaints



**FORM FOR SUBMITTING AND RECORDING
GRIEVANCE COMPLAINTS**

In accordance with the Data Protection Act 1998, the Ministry of defence will collect, use, protect and retain the information on this form in connection with all matters relating to our personnel administration and policies.

The Policy and Procedures for raising a formal grievance/complaint are contained in MOD Personnel Manual Volume 7, Section 7.

This form is designed to track grievances through the full resolution process and to record the outcomes. It should be completed at each stage then forwarded to the HR Ops Conduct Team when the grievance is resolved or the process ends.

You may seek help from either your Trades Union Representative or from a colleague when completing this form. A Trades Union Representative or colleague may also accompany and/or speak for you at any interviews held in relation to your grievance.

You may also contact your Personnel Management Authority/Welfare Officer for advice about the policy and procedures for raising a grievance.

Part 1 COMPLAINANT'S DETAILS

1	Personal Details		
Surname:			
Forename(s):			
Grade:		Staff Number:	
Unit/Establishment:			TLB:
Personnel Management Authority:			

Part 2 REASON FOR GRIEVANCE

2	What is your Grievance?	
Explain your grievance here.		
3	What is your desired remedy?	
Please note that financial compensation cannot be awarded – unless you have suffered direct financial detriment.		

Part 3 INFORMAL GRIEVANCE PROCESS

You should take the opportunity, if appropriate, to resolve your grievance informally and locally through discussion.

Informal grievances should normally be raised, in the first instance, with your line manager, or the officer who was responsible for the decisions or action about which you are complaining.

In raising your complaint, you may also wish to seek advice from your Personnel Officer, Trades Union Representative, Equal Opportunities Officer, or a Welfare Officer.

- You may attach any additional information to this form that you believe will be relevant to your grievance.
- Please list any attachments that you have included.

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Part 4 OUTCOME OF THE INFORMAL APPROACH (If appropriate)

4	Did you raise this grievance informally?	YES / NO	
If yes – who considered your grievance?	NAME	POST	
What was the outcome?			
If this remedy was acceptable please complete Part 9.			

Part 5 FORMAL GRIEVANCE PROCESS

If the informal approach is inappropriate, or if you are dissatisfied with the outcome of an informal grievance, then you may raise the matter formally with these procedures.

You should submit your grievance to your second line manager or (if your second line manager was part of the grievance) to an appropriate senior line manager who will become the Grievance Hearing Officer. (The issue/incident that you are raising should normally have occurred within the last 3 months. Try to be succinct. You may attach supporting documents).

In pursuing your complaint, you may also wish to seek advice from your Personnel Officer, Trades Union Representative, Equal Opportunities Officer, or a Welfare Officer.

- You may attach any additional information to this form that you believe will be relevant to your grievance.
- Please list any attachments that you have included.

Part 6 OUTCOME OF THE FORMAL GRIEVANCE COMPLAINT

5	Who considered your grievance?	
	NAME	POST
What was the outcome?		
If this remedy was acceptable please complete Part 9.		
If this remedy was unacceptable please explain why.		

Part 7 GRIEVANCE APPEAL

This process should be followed if you are dissatisfied with the result of your formal grievance complaint.

Parts 1, 2, 3 and 4 of your original form must be attached. Your grievance and desired remedy **must** remain the same to that as detailed in Part 2.

Your appeal should be submitted to **either** a more senior manager within your line management chain (copied to your TLB/Agency Personnel Management Authority and the HR Ops Conduct Team) within 10 days of the date of the written response from your 2nd Line Manager.

Or

If you wish to have your grievance considered by the Grievance Appeal Panel, to your TLB/Agency Personnel Management Authority (copied to your 3rd Line Manager and the HR Ops Conduct Team) within 10 days of the date of the written response from your 2nd Line Manager. The Conduct Team will advise you normally within **20 working days** of receipt of your appeal, of the date of the appeal panel, the Appeal Chair Person and Panel members.

You may seek help from either your Trades Union Representative or from a colleague when completing your appeal and a Trades Union Representative or colleague may accompany and/or speak for you at the appeal hearing.

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Part 8 OUTCOME OF THE GRIEVANCE APPEAL

6	Who considered your grievance appeal?		
NAME		POST	
Was your grievance considered by the Grievance Appeal Panel?		YES / NO	If Yes – Date?
What was the outcome?			

Part 9 MONITORING OF GRIEVANCE PROCEDURES

In order to assist us to measure the success of the grievance procedure and to ensure continuous improvement, please complete the table below and send a copy of the whole form to:

**D CP HR Ops Conduct Team
Room 458, St Giles Court
1-13 St Giles High Street
London WC2H 8LD**

Or e-mail to: CHOTs: dgcphrops-cond3 or dgcphrops-cond3@defence.mod.uk

7	Did you pursue an informal Grievance complaint?	
	Did you pursue a formal Grievance complaint?	

8	Did you pursue a formal Grievance Appeal?	
	Do you feel that your grievance has been given fair consideration?	

If not, please briefly explain what else could have been done to resolve your complaint

Thank you for completing the monitoring survey.

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Annex P-1 Guidance for TLB/Agency Personnel Management Authorities Preparing a Grievance to the Grievance Appeal Panel

- 1 When preparing a grievance for submission to the Grievance Appeal Panel, the following documents will need to be included in the brief to the Panel:
 - a. Letter initiating the grievance process.
 - b. Record of the interview held at the Formal Stage of the procedures.
 - c. Letter advising of decision on the case at the Formal Stage.
 - d. Letter from the Grievance Deciding Officer to individual with decision on case at the formal stage.
 - e. Annex P (Form for submitting and recording grievance complaints) to the TLB/Agency PMA.
 - f. Any other relevant supporting papers.

- 2 The TLB/Agency PMA must prepare a written submission to the Panel, which must be copied to the complainant and their representative (redacted as necessary). The submission should:
 - a. Analyse the grievance.
 - b. Summarise the facts.
 - c. Adequately investigate areas of concern and outstanding issues
 - d. Provide a view on the procedures that have been followed and draw attention to procedural errors that may have occurred.
 - e. Provide legal or policy advice where appropriate.

The submission will not:

 - a. Express an opinion on the merits of the case.
 - b. Recommend an outcome.

- 3 All the complainant's Personal files – (PF, PAR, Medical, Discipline) together with any locally-held Personnel files should be made available to the TLB/Agency PMA.

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