

Human Resources

Defra Code of Conduct

Updated: February 2014

The Code of Conduct sets out the standards of behaviour that are expected of all Civil Servants working in Defra. As a Defra employee, it is your responsibility to read the Defra Code of Conduct and apply it in your work.

The Defra Code of Conduct is supported by the Departmental Trade Unions.

Contents

Purpose	3
Application	3
Principles	4
Diversity and equality	4
Professional standards and impartiality	4
Working with colleagues	5
Health and safety	5
Attendance.....	6
Security and property of Defra	6
Computer systems	7
Data handling.....	7
Personal data.....	8
Financial matters	9
Acceptance of gifts and hospitality.....	11
Trade union membership.....	12
Outside interests.....	12

Political activities..... 16

Criminal convictions20

Publications, broadcasting, lectures and dealing with MPs.....20

Dress code.....23

Whistle blowing policy and procedure.....23

Purpose

1.1 Defra's overarching challenge is to secure a healthy environment in which we and future generations can prosper. As an organisation, Defra values all its people, seeks to perform to a high standard and aims to inspire pride and work in partnership with colleagues, stakeholders and other Departments and Agencies.

1.2 The Code of Conduct provides you with an understanding of what is expected of you whilst working in Defra and highlights your key responsibilities as a Defra employee and as a Civil Servant. It incorporates the principles of the [Civil Service Code](#) and the standards that must be observed throughout and after your employment with Defra. It is based on the [Civil Service Management Code](#) which should be referred to for further details.

1.3 It is your responsibility to read and apply this Code in conjunction with any other ethical principles or professional codes that are applicable to your service and conduct yourself appropriately in accordance with all these documents. Speak to your managers if you need further advice or guidance.

1.4 The Code of Conduct has been agreed with DTUS.

Application

2.1 The Code of Conduct applies to all employees (including fixed term appointment (FTA) and short term appointment (STA) employees) in core Defra and the Veterinary Medicines Directorate (VMD).

Animal Health and Veterinary Laboratories Agency (AHVLA) has its own Standards of Conduct.

2.2 The code applies to all members of the Senior Civil Service (SCS) regardless of whether they work in core Defra or any of its Agencies.

2.3 Temporary workers and suppliers are expected to conduct themselves with honesty, integrity, objectivity and impartiality when working at Defra. These groups are expected to abide by the Code of Conduct. However, the Discipline Policy will not apply to these groups as they are not Defra employees.

2.4 The Code of Conduct takes effect from December 2009 and replaces the 'Code of Conduct' in the Interim Defra Staff Handbook and the 'CH3 Personal Conduct' procedures in the DETR handbook.

2.5 The code will be reviewed by the HR Policy Team when new developments in employment legislation, Civil Service rules or organisational needs necessitate it.

Principles

3.1 Mutual trust is the foundation of the employment contract between you and the Department. The Standards of Conduct outlined below provide direction on how to behave to avoid any action that could compromise this trust.

3.2 All Civil Servants must abide by the core values outlined in the [Civil Service Code](#) . Defra's standards of conduct are based on this Code, and set out the fundamental expectations required from you at work and in those aspects of your private life, which may impact on your work.

3.3 You are expected to follow all laid down policies and procedures – including Defra **Security policies** and procedures.

3.4 Failure to comply with these standards may result in disciplinary action being taken against you, including summary dismissal.

3.5 More information about disciplinary action can be found in Defra's **Disciplinary Policy and Procedure**.

Diversity and equality

4.1 This code will be applied solely on objective evidence and will not be influenced by factors such as race, ethnicity or national origins, sex or gender identity, sexual orientation, age, disability, religion or belief, marital, civil partnership, or partner status, full or part time working, caring responsibilities or trade union membership or activity. This is not an exhaustive list.

4.2 Defra is committed to diversity and equality and expects all its employees to reflect it in their day-to-day work. **Harassment, discrimination, bullying and victimisation** are viewed as misconduct and may be unlawful. Misconduct will be handled under the **Disciplinary policy**, available on the intranet.

Professional standards and impartiality

5.1 The Civil Service Code sets out the constitutional framework which all Civil Servants work to and the values they are expected to uphold. It forms part of the terms and conditions of employment of every Civil Servant. If you have any concerns you should raise it with your manager, a manager in your line management chain or Shared Services (SSD).

5.2 You must retain political and professional impartiality in your duties and uphold the highest standards of professional courtesy in dealing with colleagues and customers.

5.3 You must implement and follow Defra policies and procedures, and not openly criticise or discredit the organisation in the media, or by means of social networking websites. You

should always strive to work constructively with and for the Department and its Agencies and not knowingly work against its best interests. If you have any doubts speak to your managers.

5.4 If you are an elected national, departmental or branch representative or officer of a recognised trade union, you do not need to seek permission before publicising union views on an official matter which is of a legitimate concern to your members because it directly affects their conditions of service (unless your official duties are directly concerned with the matter in question).

5.5 If you have a concern about a wrongdoing relating to the running of the Department or to the work-related activities of members of staff you can refer to the **Whistle blowing policy** on the intranet.

5.6 You must not put yourself in a position where your work and private life is in conflict. For example, you must not conduct Defra business with anyone with whom you have family or personal connections. You must seek advice from your manager if you are unsure of whether there is a potential conflict of interest. This means you must not manage partners or immediate family within the line management chain. Should you find yourself in a position where the impartiality of your judgment could be questioned, you must speak to your manager.

Working with colleagues

6.1 Defra is committed to delivering the best possible services to all its customers. To achieve this we need to cooperate and work together effectively. This means working conscientiously, as directed by your manager(s), and carrying out your duties in line with current policies and procedures.

6.2 You must adhere to a reasonable management request.

Health and safety

7.1 To do your job effectively, you must take reasonable care of yourself and other people who may be affected by the work you do, and help maintain a safe and healthy working environment. To protect your health and safety and that of your colleagues you must:

- cooperate with managers and colleagues to enable them to fulfill their responsibilities under all relevant health and safety legislation
- not interfere with, or misuse anything that has been provided to safeguard your own or others' health and safety.
- comply with all relevant **safety policies, risk assessments, guidance** and controls.
- keep your work area tidy and free from obstacles and hazards and
- report any health and safety concerns or hazards to your line manager and all work related accidents or ill- health to the departmental Health and Safety Unit.

- observe **Defra's Smoking Policy**, available on the intranet.
- not consume alcohol on Defra premises except in organised social/launch events where permission is granted by a Senior Manager (Grade 6 or above). You must present for work in a fit state and never under the influence of alcohol or illegal drugs.

Attendance

8.1 Under your contract you are legally bound to work your conditioned hours. You are expected to make all reasonable efforts to report for duty at your place of work in a timely manner; failure to do so without prior authorisation or good reason could be subject to disciplinary action.

8.2 When ill, you must report your sickness immediately and agree arrangements with your manager for making regular contact with them while not attending work, as outlined in Defra's **Sickness Absence Policy**, available on the intranet.

8.3 Specific arrangements will apply if you do not attend work due to participation in industrial action.

8.4 In the case of travel disruptions or bad weather, you are expected to consider alternative transport options including walking if less than one hour's walking distance (if reasonable), or work from an office location closer to home, or from home if practicable. Consideration will be given to personal circumstances and health and safety.

Security and property of Defra

9.1 Ensure you follow all **security procedures** for your building such as producing a building photo pass, (or temporary/visitor pass) on entry to all Defra locations and wearing it at all times whilst on Defra premises or on Defra business. Do not lend it to others for any reason and report its loss immediately.

9.2 You must use items of equipment and property only for their designated purposes and in accordance with instructions given. You must take care to ensure that no loss or damage occurs to them. If any loss or damage occurs, you must report this immediately to your manager, complete form **PSV25** and send it to the address on the form.

9.3 Theft from the Department or colluding with someone else in relation to theft will be treated as gross misconduct and will result in disciplinary action. Action will also be taken to recover the losses and refer the case to the police or other appropriate authority.

9.4 You may use the Defra telephone systems for **short** local personal calls, or a Defra mobile telephone if you pay for your own calls, providing this does not disrupt your work or the work of your colleagues around you.

Computer systems

10.1 Defra provides computer systems to enable you to do your job effectively. You are required to use the appropriate systems and must use the computer systems and the data they contain only for the designated purposes required for your job in accordance with Defra's IT Security Policy Statement and IT Security Standards.

10.2 You must be mindful of the **Email Ways of Working** which outlines Defra's email usage policy and the **Personal Commitment Statement** for Government Secure Intranet usage standards when using the Internet or email facilities:

- you may use Internet or email facilities for reasonable personal and lawful use in your own time and providing it does not interfere with your work, as stated in **Defra's email policy**, available on the intranet
- you must not access any information on the Internet that is illegal, offensive or would cause embarrassment to Defra or any of its employees. In particular you are forbidden to access pornographic and homophobic sites or those containing racist or other offensive content
- you must not send emails or instant messages internally or externally that contain offensive messages or content. Whilst email is not routinely monitored, it is logged, and additional monitoring may be carried out at the request of management, HR or security branch if there is good reason for this
- you should not have software on Defra IT systems for which you have not had departmental approval, and if approved, this should only be loaded by those who have the relevant permissions to do so
- you must also not undertake activities that impair the operation of the computer, such as downloading software, nor attempt to personalise the system in any way by installing games or screensavers or other freeware. If any incident has occurred that compromises security, please tell your manager(s) immediately
- to maintain the integrity of the Defra computer systems, it is also important that you comply with all computer security controls. In particular, you must keep your password and login confidential.

Data handling

11.1 Much of the work we are involved with as a Department has a high degree of sensitivity; political, economic, environmental or otherwise, and as such could cause embarrassment if communicated inappropriately. All staff should treat all information as potentially sensitive unless specifically instructed otherwise. You should not discuss official business outside the Department. These requirements are in addition to those of the Official Secrets Act under which all Civil Servants and those engaged on Government work must follow.

11.2 Every member of staff within Defra has a responsibility for the security of information (both electronic and hard copy) processed and collated within our business:

- you must complete the online **data handling** training
- you should make sure you know what **protective marking** the data should have and stick to the rules for that level of protection
- you must never access protectively marked data unless it is part of your job and you have a business need to do so. Accessing, changing or deleting information, other than for official purposes may result in disciplinary action being taken against you
- you must never give out any protectively marked data over the 'phone or in any other way unless you are absolutely sure who you are giving it to and that they are entitled to that data. This includes publishing personal information such as contact details on the internet
- you must never leave protectively marked data out on your desk when you are not around and always "lock" your computer before leaving your desk
- you should choose your password carefully and never let anyone else know it (including IBM staff)
- when emailing protectively marked data beyond the Government Secure Intranet (GSI), you should ensure it is encrypted and send only what is absolutely needed. Click here for more information on **encryption**
- you should always include the appropriate security mark in the email subject line, such as "PROTECT-PERSONAL" or "RESTRICTED", even if you're only sending things within the GSI network./When sending hard copy protectively marked data through the post, you should follow the guidance on the security branch **intranet site**
- you must never take or send protectively marked data out of the office in hard copy or on removable media such as memory sticks or CDs, unless it is a) business critical that you do so, b) encrypted where appropriate (the IT Helpdesk can advise on encryption options) and c) you have the Information Asset Owners permission
- when outside the office environment, you should keep your laptop, BlackBerry, mobile 'phone and any official papers secure at all times. You should ensure that any confidential conversations or telephone calls are not overheard and that data cannot be seen by others
- if you have concerns about the way Defra is handling information about customers or staff, report it to your managers or use the **whistle blowing procedures**, available on the intranet
- you should not induce others to contravene these instructions, as this holds an equally serious penalty if abuse of your official position is established
- further information on data handling and protective markings is located on the Defra **intranet site**.

Personal data

12.1 All personal data (i.e. information relating to living persons) we hold must be kept in compliance with legislation including the **Data Protection Act (DPA)**. You should consult your manager(s) if in doubt about Data Protection.

12.2 The main elements of the DPA are to ensure that personal data is:

- processed fairly and lawfully
- processed only for legitimate purposes
- adequate, relevant but not excessive
- accurate and kept up to date
- not kept longer than necessary
- processed in accordance with individuals' rights
- kept secure
- not transferred outside the European Economic Area without adequate protection and safeguards.

12.3 The DPA also gives individuals right of access to their personal data that Defra and the Executive Agencies hold. Therefore, you need to take care what you write about individuals and ensure that you do not write anything libellous or defamatory or that could otherwise cause embarrassment to the Department. If an individual requests his/her personal data, it is a criminal offence to destroy that personal data after the request is

received or to withhold it in contravention of the person's rights of access to the information.

12.4 Actions which could put the protection of personal information, of customers, suppliers or staff, at risk for example personal information protected by the Data Protection Act 1998 or disclosure of the gender history of transsexual employees will be treated as Gross Misconduct. See our **guidance on protecting information**, available on the intranet.

12.5 See our **guidance on the DPA**, available on the intranet.

Financial matters

13.1 You have a duty to use public money responsibly. Equally, you are expected to report to your manager if you suspect any financial irregularity and co-operate with any subsequent investigations.

13.2 **Private shareholdings** You must not abuse your public position for your own benefit, and you must be careful that no suspicion is raised that you are doing so. In particular, you must not:

- Use information gained in your work to advance your own financial interests, or the financial interests of others. This might even be insider dealing (a criminal offence) which is further explained below;
- Participate in any decision which could affect the value of your private financial interests, or the financial interests of people you give investment advice to. If you do, it could result in legal action against Defra and yourself and could also result in disciplinary action.

13.3 Here are some basic dos and don'ts to guide you in your responsibility for managing public funds:

- don't bend or break the rules
- don't deceive or knowingly mislead
- don't allow a conflict of interest to affect, or appear to affect, decisions
- don't use public money for private benefit or for others
- do comply with the law, including international law and treaty obligations and uphold administration of justice
- do put in place and follow clear and up to date procedures
- do seek approval, if needed, first from the right person
- do record the reasons for decisions
- be honest, impartial and even-handed

13.4 All contracts must be handled in a transparent way. If there is any possible conflict of interest (real or perceived) due to personal interests, acquaintances, previous contacts, you must make your manager(s) aware as soon as possible.

13.5 You must not have investments either directly or indirectly in companies about whom you have price sensitive and unpublished information through your official duties. Private financial interests must not be furthered as a result of your official position, for example in buying and selling surplus government property.

13.6 Managers must be made aware of any business interests to prevent a real or perceived **conflict of interest**. It is also important to note that trading from official premises is not permitted neither is trading on official time. Defrauding the Department or colluding with someone else to do so will be treated as gross misconduct and will result in disciplinary action. Action will also be taken to recover the losses and to refer the case to the police or other appropriate authority.

13.7 **Insider Dealing** Insider dealing is a serious criminal offence under the Criminal Justice Act 1993. If you come into possession of "inside information" you must be careful with it. It is not possible to set out all the requirements which prevent conflicts of interest for all of the different types of work in Defra. Parts of Defra may issue local rules to their staff. These might include:

- notification to the manager(s) of all or specified categories of financial interest
- a ban on a defined group of staff engaging in dealings in financial interests within particular periods of time
- a ban on a defined group of staff holding certain kinds of financial interests
- a requirement for defined groups of staff to obtain prior permission to deal in certain financial interests.

13.8 If you aren't sure whether a conflict of interest exists, you should consult a HRBP and/or seek legal advice from Defra's legal department. It is your responsibility to ensure that you act within the law and within the Department rules.

13.9 Sale of surplus items to staff Defra must not sell surplus Government property to Civil Servants who have been able to get special knowledge about the condition of the goods because of their official duties; or have been officially associated with the disposal arrangements; or at a discount that would not be available to a member of the public. More information on Business Interests can be found in the [Civil Service Management Code](#).

13.10 Personal Interest You must not lend money to, or borrow money, from colleagues, employees or customers, that might leave you in a vulnerable position. You must only organise collections, raffles and national lottery syndicates on a voluntary basis or for charity causes (see charity details), and not for causes that could be construed as having a political affiliation. Similarly, you may not apply for trade cards for your personal use in the name of the Department.

13.11 You must not undertake, nor commit Defra to, any financial activities that could be seen as inappropriate, such as organised gambling on official premises (this would not however include activities such as personal lottery syndicates).

13.12 If you are experiencing serious financial difficulties you may, in complete confidence, seek advice and personal support from our Employee Assistance 24 hour Helpline on 0800 282193. **The Civil Service Benevolent Fund** is also a useful source of information. This advice would indicate if your current financial position could have any implications on your role within the organisation. You may also wish to contact your Trade Union representative for support and advice.

13.13 Civil Servants who become bankrupt or insolvent must report the fact to their manager. In such cases managers must conduct a risk assessment to ensure their member of staff is not employed on duties which might permit the misappropriation of public funds.

Acceptance of gifts and hospitality

14.1 The Civil Service Code states: 'Civil Servants ...must not ..accept gifts or hospitality or receive other benefits from anyone which might reasonably be seen to compromise their personal judgment or integrity'.

The guiding principles governing the acceptance of gifts and hospitality are:

- your conduct should not create suspicion of a conflict between your official duty and your private interest
- you should not give the impression that you may have been influenced by a gift or hospitality
- if in doubt about whether you should accept a gift or hospitality, you should refuse it

For more information, visit the intranet pages on **Gifts and Hospitality**.

14.2 **Inventions** Ownership of inventions made by Crown servants on or after 1 June 1978 depends, in accordance with Section 39 of the Patents Act 1977, on whether the invention was made in the normal course of duties.

14.21 **Charities support** It would be inappropriate for Defra to make charitable donations in its own right. However the Department does support responsible on site fund raising for charities e.g. Children In Need, Red Nose day etc and charities supported by the Sports and Social club. Defra also publicises the work of the Civil Service Benevolent Fund. You can coordinate support for charity events at local level provided this does not interfere with your job, cause offence or embarrassment to colleagues, or make colleagues feel they are under pressure to participate or contribute. It is not acceptable for Defra employees to approach customers or suppliers and ask them for donations.

Trade union membership

15.1 It is a personal decision whether or not to join a trade union but the Civil Service recognises your right to join an appropriate trade union and to play an active part within it. You do not need permission to take part in trade union activities in your own time. You are still bound by the usual rules of confidentiality that apply to you in the workplace.

Outside interests

16.1 You are responsible for ensuring that there is no conflict of interest between your interests outside work and your role at the Department and that you do not bring Defra into disrepute. Your outside interests, be they business, hobby or trade must not compromise or conflict with your employment within Defra.

16.2 You must never request special treatment from any Defra customer that would benefit your outside interests. If your work involves contact with external business organisations, such as markets, farms or veterinary practices, you must never ask for special treatment for yourself or colleagues.

16.3 Equally, if you are planning to take up an additional paid post or membership of a non-political organisation that is not prohibited under the **Civil Service Management Code**, it should not require attendance during your normal working hours, or be carried out on work premises. You must consider whether there is a conflict of interest between your activities and your work in Defra and the Civil Service. If you believe that there could be a conflict of interest, you must discuss it with your manager(s), so that they can satisfy themselves that it will not impact your duties or adversely affect the reputation of the Department. Any such post must not adversely affect your ability to carry out your duties effectively and impartially.

16.4 You must not represent Defra in any official capacity without prior approval from your manager(s).

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

16.6 You should not take part in external surveys or research in your official capacity, even anonymously, without prior permission from your manager(s).

16.7 Outside and Public Appointments

16.7.1 Staff may volunteer for Public Service appointments within the current Defra guidelines.

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

16.7.3 Under the Civil Service **Business Appointment Rules** you must apply for approval before you can accept an offer of employment from an outside organisation in the following circumstances:

- If you are in the Senior Civil Service, or are a specialist or Special Adviser of equal standing.
- If you have had official dealings with your future employer during your last two years of Crown employment.
- If you have had continued official dealings with your future employer at any time during your Crown employment.
- If you had access to commercially sensitive information about competitors of your future employer during your Crown employment.
- If, in your last two years of Crown employment, you have given advice or taken decisions benefiting your future employer, for which the offer of employment could look like a reward.
- If, during your last two years of Crown employment you have been involved in developing policy, knowledge of which might be of benefit to your future employer.
- If you are to be employed as a consultant, and have had dealings with outside organisations in your last two years of Crown employment.

16.7.4 You will require approval for the initial appointment, and any further appointment within two years of leaving Crown employment.

16.7.5 The only exceptions to this, where you do not need to apply, are if the offer of employment is:

- An unpaid offer from a non-commercial organisation.
- An appointment in the gift of a Minister.
- An appointment already held with Defra's agreement.

- A transfer under TUPE arrangements.

16.7.6 Who should you apply to?

- If you are/were the Permanent Secretary, you must apply to the Secretary of State
- If you are/were in the Senior Civil Service or a Special Advisor you should apply to the Permanent Secretary, via your Director General where appropriate.
- If you are/were not in the Senior Civil Service you should apply to your line manager. If you have already left the Department you should apply to your last line manager.

16.7.7 How do you apply?

To apply you should complete a BAR1 Form (AA-SCS Pay Band 2) or BAR2 Form (SCS Pay Band 3 and above). The application can take a number of weeks to process, and will include, where appropriate, consideration by the Advisory Committee on Business Appointments (ACOBA). You should allow six weeks for the process to be completed.

Complete Parts 1 and 2 of the BAR Form and send the completed form to the appropriate person as set out in 16.7.6 above for them to complete Part 3.

Once Part 3 has been completed:

- For applicants in the Senior Civil Service or Special Advisers – return the form to the [Employee Relations Team](#).
- For applicants not in the Senior Civil Service – send the form to a member of the SCS (usually Deputy Director of the business area) for scrutiny and clearance. SCS should then return the form to the [Employee Relations Team](#).

The Employee Relations Team can provide advice as necessary. At the conclusion on the process the Employee Relations Team will write to the applicant informing them of the final decision, including any recommendations from the ACOBA as appropriate.

16.7.8 How is the decision taken? Depending on your grade and the nature of your relationship with your future employer, your application may be referred to Cabinet Office or the Advisory Committee on Business Appointments for a decision, or for consultation. More information on when this will happen is available in section 4.3, Annex A, of the [Civil Service Management Code](#).

16.7.9 Applications may be approved either unconditionally, or subject to conditions which can apply for up to two years after your final day in Crown employment. Conditions may include:

- a waiting period before taking up employment
- an absolute or qualified ban on you being involved in dealings between your future employer and the government
- a ban on you being involved in dealings between your future employer and a named competitor

- if you are planning to become a consultant, a requirement to seek official approval before accepting certain commissions.

16.7.10 Applications from Permanent Secretaries and their equivalents will be subject to an automatic waiting period of three months. This can be waived by the Advisory Committee on Business Appointments when the application is referred to Cabinet Office, if no questions of propriety arise, and the application is unconnected with the Permanent Secretary's official knowledge.

16.7.11 If you plan to take up an approved offer of employment then you should inform the Department as soon as you know this, because it may be the subject of a public announcement.

16.7.12 If a waiting period or other conditions are being imposed, you can have an interview with your Line Manager or local HR Business Partner (for staff that have already left Defra) to explain the reasons for the decision, if you wish. Prospective employers will be informed of any conditions that are imposed.

16.8 Staff on secondment Staff on secondment from the Civil Service to other organisations are subject to these rules. Staff on secondment from other organisations are subject to these rules unless they return to their seconding organisation at the end of their secondment and remain there for two years.

16.9 Business interests and outside occupations

You should follow these principles:

- you should not engage in private activities during working hours
- you should not do anything which might conflict with the interests of Defra or with your position as a public servant
- you should not engage in outside activities involving the use of official experience, without first obtaining the consent of your Head of Division

16.9.1 The Business Appointment rules (set out below) apply if you wish to take on outside employment while still employed by Defra.

16.9.2 You may not, in general, hold directorships in, or undertake work in, public or private companies, firms or other organisations. However non-executive directorships for example in small, 'family-type' companies or in a housing management company may be allowed, if no conflict of interest is caused and as long as you are not prevented from carrying out your official duties.

16.10 Appointments arising from a relationship between a company and Defra

Because of the financial risks to the Defra, it would usually be inappropriate for a Defra employee to accept a senior appointment (for example Director) as a direct result of a relationship between a company and Defra. In such situations advice should be sought from your Line Manager or HR Business Partner.

16.11 **Appointments made for developmental purposes** You should seek advice from your HR Business Partner if you are considering taking up such an appointment.

16.12 **Appointments made in a personal capacity** You need to convince your Director that there is no conflict of interest if you wish to take up such an appointment. There should be no question of financial exposure for Defra or any sort of indemnity. If your manager(s) are uncertain about whether they should agree, then they should consult the local HR Business Partner.

16.13 You may not engage in consultancy work on behalf of any company with which the Department has a contractual relationship or with which your Profession has some other close official relationship.

16.14 If you take up outside employment, including consultancy work, you will have no right to special leave for absences which may result. Also, the fact that you have taken on outside employment may not be taken into consideration in determining your duties.

16.15 You must declare business interests, as they arise, in writing to your Head of Division. If you are in doubt about the propriety of your private activities, seek your Head of Division /Head of Profession's advice.

Political activities

17.1 Because of the need to maintain a politically impartial Civil Service there are central rules restricting Civil Servants from undertaking certain political activities. The extent to which these restrictions apply depends on your grade, the sensitivity of your post and whether the activities fall within the designation of national or local politics. The rules provide a degree of discretion to allow staff to participate and subject to the provisions set out below, the Department will be as helpful as possible in posting staff who wish to become or remain politically active, provided that you understand that this may limit the range of experience available to you.

17.1.1 **Restrictions** For the purpose of these rules Civil Servants are divided into three categories of staff:

- 1 Politically restricted: Staff at Grade 7 and above and Fast Streamers – Administrative and European (Higher Executive Officer (D)) – must not participate in National political activities. They also must seek permission to participate in local political activities, subject to complying with any conditions laid down by the Defra.
- 2 Politically free Staff in the industrial, support or non-office grades are allowed to take part in all political activities. The groups of staff to be included in this category are subject to the approval of the Minister for the Civil Service (Servants of the Crown (Parliamentary, European Assembly and Northern Ireland Assembly Candidature) Order 1987).

- 3 Intermediate group: This category relates to all other staff. Such staff may undertake national and local political activities subject to not occupying sensitive posts and their complying with any conditions laid down by the Department.

17.1.2 Political activities that may be subject to restriction are defined as follows:

17.1.3 At national level:

- holding, in a party political organisation, office which impinges wholly or mainly on party politics in the field of the European Parliament, either House of Parliament, the Scottish Executive or the Welsh or Northern Irish Assembly
- Speaking in public on matters of national political controversy;
- expressing views on such matters in letters to the Press, or in books, articles or leaflets;
- being announced publicly as a candidate the European Parliament, either House of Parliament, the Scottish Executive or the Welsh or Northern Irish Assembly ; and
- Canvassing on behalf of a candidate for European Parliament, either House of Parliament, the Scottish Executive or the Welsh or Northern Irish Assembly.

17.1.4 At local level:

- being a candidate for election to, or co-option as a member of, a local authority;
- holding office in a party political organisation that impinges 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; and
- canvassing on behalf of candidates for election to local authorities or a local political organisation.

17.1.5 Permission to undertake political activities

- You will need to seek formal permission from the Department before taking part in political activities. Requests should be sent to your Head of Division (Chief Executive for Agencies) who will approve or refuse your request. The request should detail your grade and nature of the activity to be undertaken. The Head of Division will seek make a decision based on the nature your role and the request. Head of Division should use letters attached to this code to communicate their decision and notify the Employee Relations Team for audit purposes.
- If you intend to act as a candidate to Parliament, the European Parliament, the Scottish Executive or the Welsh or Northern Irish Assembly, you should ensure that you comply with the additional provisions set out in the sections headed below.
- In exercising its discretion to permit political activities, the Department must pay due regard to the guidelines.
- Permission to participate in political activities can be withdrawn at any time and without prior notice if there is a change in relevant circumstances. You must also

give up any activity if you move to a sensitive post or into another category of staff which is subject to further conditions. If you are given permission to stand for election for a local authority you must inform your Head of Division, if you are successful.

17.1.6 Refusal to participate in political activities Subject to the provisions contained in this section the Department will be as helpful as possible in allowing staff to participate in political activities. If you are refused permission to participate, or have permission to do so withdrawn, you must be given a full explanation of the reasons for the decision and informed of your right of appeal to the Civil Service Appeal Board.

17.1.7 Parliamentary Candidature - Resignation

All Civil Servants are disqualified from election to:

- Parliament (House of Commons Disqualification Act 1975);
- the European Parliament (European Assembly Elections Act 1978);
- the Scottish Executive (Scotland Act 1998);
- the Welsh Assembly (Government of Wales Act 1998);
- the Northern Irish Assembly (Northern Ireland (Elections) Act 1998; and
- the Greater London Authority (Greater London Authority (Disqualification) Order 2000).

17.1.8 You must therefore resign from the Civil Service before standing for election.

17.1.9 Staff in the **politically free group** are not required to resign on adoption as a prospective candidate. However, to prevent your election being held to be void, you must submit your resignation before you give your consent to nomination in accordance with the Parliamentary Election Rules.

17.1.10 All other Civil Servants, including Civil Servants on secondment to outside organisations, must comply with the provisions of the Servants of the Crown (Parliamentary, European Assembly and Northern Ireland Assembly Candidature) Order 1987.

17.1.11 You must not issue an address to electors or in any other manner publicly announce yourself or allow yourself to be publicly announced as a candidate or prospective candidate for election to Parliament or the European Parliament, the Scottish Executive or the Welsh or Northern Irish Assembly. You must also resign from the Civil Service on formal adoption as a parliamentary candidate or prospective candidate in accordance with the procedures of the political party concerned.

17.1.12 Civil Servants not in the politically free group who are candidates for election must complete their last day of service before adoption papers are completed.

17.1.13 If you are adopted as a parliamentary candidate and are therefore required to resign, the Department has discretion to make an ex-gratia payment (equivalent to the period of notice to be given to you (see **Leaving the Department: Notice and**

References on the intranet). if the adoption process does not reasonably allow you to give full notice.

17.2 Parliamentary Candidature - Reinstatement

If you are in the **politically free** category and resign from the Department to stand for election to one of the bodies mentioned in the above section you will be reinstated provided that you apply within one week of declaration day if you are not elected.

If you are elected, you will be subsequently reinstated if you:

- cease to be a member after an absence from the Civil Service of not more than five years;
- have had at least 10 years service before your election; and
- apply for reinstatement within 3 months of ceasing to be a member.

17.2.1 The Department will give serious and sympathetic consideration to reinstating you when the first two of these conditions have not been met. Such applications will be considered on their merits and against the Department's staffing needs at the time but there is no entitlement in these circumstances.

17.2.2 The Department has discretion to reinstate staff who are not in the politically free category following resignation to stand for election to Parliament or the European

Parliament. Discretion to reinstate will normally be exercised only where it is possible to post staff, at least initially, to non-sensitive areas.

17.2.3 If you are reinstated, the period of the break will not count for pay or superannuation purposes. Salary will not be payable during the break.

17.3 Standards of Conduct

- You must not take part in any political activity when on duty, or in uniform, or on official premises.
- You must not circulate any political material within the Department or use official resources to further any political activity, regardless of whether you have official permission to participate.
- You must not attend outside conferences or functions convened or supported by a party political organisation in your official capacity.
- If you are not in the **politically free** group, you must not allow the expression of your personal political views to represent such a strong and comprehensive commitment to one political party as to inhibit or appear to inhibit loyal and effective service to Ministers of another political party. You must take particular care to express comment with moderation, particularly about matters for which Departmental Ministers are responsible. You must avoid any comment about matters of controversy affecting the responsibility of Departmental Ministers and avoid personal attacks.

- You must also take care to avoid any embarrassment to Ministers or to the Department, which could result, unintentionally or not, from bringing yourself as a Civil Servant, to public notice in party political controversy.
- 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 cannot be questioned.
- You do not need permission to take part in activities organised by your trade unions. If you are an elected trade union representative you may comment on Government policy when representing the legitimate interests of your members, but in doing so you must make it clear that you are expressing your views as a representative of the union and not as a Civil Servant.
- If you are given permission to take part in local political activities you must tell your manager if you are elected to a local authority.
- If given permission to take part in political activities you must give up those activities if you are moved to a post where permission cannot be granted

Criminal convictions

18.1 If you are charged with, or convicted of, a criminal offence you must report it immediately to Line Manager and to the Departmental Security Officer (DSO), even if the incident has no relation to your work. This would include:

- any cautions you receive or administrative agreements you sign as a result of any charges.
- any traffic offences occurring on official duty or in an official car, or traffic offences in any vehicle at any time involving driving under the influence of drink or drugs, or one which leads to the loss of your driving licence and or imprisonment. Other traffic offences need not be reported.
- if you are arrested and refused bail, you must tell your manager as soon as possible. You must also tell your manager if you are arrested for any offences of a financial or fraudulent nature, regardless of whether bail has been granted or not. You should also alert your manager(s) if the charges are dropped, withdrawn or you are found not guilty.

Publications, broadcasting, lectures and dealing with MPs

19.1 You must get permission from your Head of Division before taking on private work that involves the use of official information or experience. This includes publications, broadcasts, lecturing and attending conferences.

19.2 Payment for publications

Payment may be appropriate where you have worked on a publication in your own time with the permission of your Head of Division.

19.3 Memoirs of former Civil Servants

You may not publish your memoirs while still in service. If you wish to publish memoirs after retirement or resignation, the text must first be approved by the Permanent Secretary/Chief Executive for Defra Agencies, and the Head of the Home Civil Service.

19.4 Civil Servants who give lectures and attend conferences

If you receive an invitation to speak on a subject involving the use of official information and experience, and are in any doubt about whether you should accept, you should seek advice from your Line Manager. Your manager(s) must be given the opportunity to agree the content and be supplied with a copy of the material to be used.

19.5 Copyright of speeches made by Civil Servants

If you make a presentation you must make it clear to the sponsoring organisation that the presentation is Crown copyright.

19.6 Crown copyright of articles and materials

Copyright in any works made by Civil Servants in the course of their employment, or connected with official duties, is Crown copyright. You must get permission from the Permanent Secretary/Chief Executive for Defra Agencies before agreeing to the publication of any materials which you have produced as part of your official duties. The Permanent Secretary/Chief Executive will, in most cases, refer the question to the Stationery Office. Stationery Office approval is not required where the source is acknowledged and the copyright is not assigned to the publisher.

19.7 Fees policy

- If you participate in an event, on an official basis, then the question of whether the Department should be charging a fee arises.
- Payment of a fee may be waived where there is value to the Department in having a representative present, or where there is value to the Department in the event being held.
- If there is no case for a fee to be waived, then you should negotiate a suitable amount (especially where the organisers are charging a fee with a view to making a profit). Where the organisers offer a fee, this may be accepted together with travel and subsistence costs. If you are offered a gift for your participation then you should refer to the rules on acceptance of gifts.
- Where you participate in an event as part of your official duty, any fees you are paid, for activities related to official knowledge or experience, are the property of Defra and should be surrendered to the Departmental Fees and Charges Co-ordinator in Finance.
- Where you prepare for or talk on official matters outside your official hours, you may be paid a proportion of the fee as a reward for the additional activities. You should agree with your manager the proportion that you should retain.

19.8 **Broadcasts and interviews with journalists and the media**

- It is primarily for Ministers to explain Government policy and actions. They are supported by the Press Office. Because the Press Office deals directly with the media, you should not have to deal directly with journalists.
- There are exceptional circumstances when you may have to speak to the media, but you should always seek advice from the Communications Directorate first. Elected trade 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 Civil Servants.
- If you receive a call from a journalist, take down the details of the enquiry and say that you will arrange for the call to be returned. Always tell the Communications Directorate and follow their advice.
- If you come into contact with a journalist outside the office you should remember that anything you say could appear in the media, and tell the Communications Directorate of any relevant discussion at the earliest opportunity.

19.9 **Giving interviews in a personal capacity**

You do not need Defra's permission for interviews which are given in a personal capacity, provided that:

- the interview has no bearing on any Defra matter;
- that the subject is not one of political controversy; and
- that no mention is made of your official position.

19.10 **Newspaper Interviews**

You should not, in your private capacity, seek or accept any invitations for interview by newspapers or similar, on Defra matters. You should refer all such requests to the Communications Directorate.

19.11 **Contacts and dealings with Members of Parliament**

Ministers are responsible to Parliament for the actions of their Department and should not be embarrassed by direct dealings between members of staff and MPs or MEPs. Anyone in any doubt about dealings with an MP or MEP should consult their manager.

- Anyone who receives a letter or a call direct from an MP or MEP should advise the Communications Directorate immediately. Members of staff should not, in an official capacity, initiate contact with an MP or MEP without first obtaining the consent of their Head of Division.
- If you come into casual contact with an MP or MEP, you should be discrete if the conversation touches on official business. You should report the conversation to the relevant Minister's Private Office immediately afterwards.

- If you are asked to meet a representative of a Parliamentary Committee, you should clear the level of representation and the line you propose to take with the relevant Minister. All written evidence submitted to Parliamentary Committees (except the Public Accounts Committee, for which it may not be necessary to seek Ministerial approval) should be cleared in advance with the appropriate Minister.
- Enquiries from the House of Commons Library and from political organisations should be referred to the Communications Directorate.
- Trade Unions representatives may meet with Ministers, MPs and Public Account Committees in the course of their duties.

19.12 **Outside surveys**

You may be approached by organisations or individuals who want to survey the views of Civil Servants. Before you agree to participate in a survey, you should:

- find out who is conducting the survey;
- ask for details of the aims of the survey and where possible get details of the questions;
- consider how far the outcome of the research activities will be of value to Defra.

19.13 You should always comply with the rules on the use of Official information.

Dress code

20.1 You are expected to dress appropriately in accordance with the work that you undertake and the people you engage with in the course of your duties. For example; no beach wear or very short skirts in the office; protective footwear when visiting farms or working in laboratories. Managers should take into account diversity when challenging a person's dress.

Whistle blowing policy and procedure

21.1 All employees are encouraged to raise any concerns they may have about:

- a past, present or imminent wrongdoing within Defra; or
- wrongdoings which conflict with the Civil Service Code such as those concerning integrity, honesty, objectivity, impartiality or political impartiality.

For more information, visit the intranet pages on **Whistleblowing and raising matters of concern**.