

Business Appointment Rules

Policy Principles

These Rules are designed to uphold [the core values in the Civil Service Code](#)

- ☐ **Integrity** - you must not misuse your official position, for example by using information acquired in the course of your official duties, to further your private interests or those of others.
- ☐ **Honesty** - you must not be influenced by improper pressures from others or the prospect of personal gain.
- ☐ **Objectivity** - you must take decisions on the merits of the case.
- ☐ **Impartiality** - you must not act in a way that unjustifiably favours or discriminates against particular individuals or interests.

Scope of Policy

The rules apply to civil servants who intend to take up an outside appointment or employment after leaving the Civil Service including resignation, retirement, dismissal or going on or during a career break, SUPL or secondment.

Policy Procedure

1. [The Rules](#)
2. [Aim of the rules](#)
3. [Who must apply](#)
4. [When approval is required](#)
5. [How to apply for approval](#)
6. [Where to find out more](#)

Annexes

[Annex A: For SMS1 and Delegated Grades: Flowchart: Do I need to apply?](#)

[Annex B: Whom do I apply to for approval of outside Business Appointments?](#)

[Annex C: Guidance for Administering Business Appointments](#)

[Annex D: Special Advisers and SMS 3 Application form](#)

[Annex E: SMS 2 and SMS1 Application form](#)

[Annex F: Delegated Grades Application form](#)

[Annex G: HRD Checklist for Business Appointments](#)

[Annex H: HRD application process flowchart](#)

[Back to the top of the page](#)

1 . The Rules

The Business Appointment Rules apply to civil servants who intend to take up an outside appointment or employment after leaving the Civil Service including e.g. resignation, retirement, dismissal or going on/during a career break, SUPPL or secondment. The approval process for applications under the Rules differs depending on the grade of the applicant. The Rules continue to apply for two years after the last day of paid Civil Service employment. Failure to follow the Rules may result in misconduct action and the officer being in breach of contract.

All staff involved in procurement and their line management must report all job offers to their line managers to ensure that relationships with suppliers and partner organisations remain on a proper footing. Failure to do so will be treated as misconduct.

The detailed formal rules for staff requesting permission to take up outside secondary employment while continuing in FCO employment are in [DSR 32](#) and [HSR 26](#) and the guidance on [Staff Conduct](#). The detailed formal rules covering staff working outside after leaving the civil service including taking a career break, going on/during SUPPL or secondment are in [DSR 38](#) and [HSR 31](#).

- **For Special Advisers (SpAds) and SMS 2 officers and above:** An application is required for **any** new appointment that an officer wishes to take up during the two year period after their last day of service or when taking a career break, going on/during SUPPL or secondment. The relevant completed application forms should be submitted to the PA/HR Director or PA/FCOS HR Director. The Foreign Secretary will make decisions on applications from SMS 3 officers and above. The PUS will make decisions on SpAds and SMS 2 applications.
- **For SMS1 and Delegated Grades:** officers in these grades should answer the questions in the flowchart at [Annex A](#). If having followed this

flowchart, an application is required, SMS 1 officers should submit a completed [application form](#) to PA/HR Director or PA/FCOS HR Director for a decision by the relevant HR Director. Officers in the Delegated Grades should submit the relevant completed [application form](#) to HR Direct or FCOS HR Delivery normally for a decision by HR Head of Appointments and Recruitment Unit (FCO)/HRG Head of HR.

It is in the public interest that people with experience of public administration should be able to move into business or other bodies outside central Government, and that such movement should not be frustrated by unjustified public concern over a particular appointment. It is equally important that when a former civil servant takes up an outside appointment there should be no cause for justified public concern, criticism or misinterpretation.

[Back to the top of the page](#)

2 . Aim

The aim of the Rules is to avoid any reasonable concerns that:

a civil servant might be influenced in carrying out his or her official duties by the hope or expectation of future employment with a particular firm or organisation, or in a specific sector; or
on leaving the Civil Service, a former civil servant might improperly exploit privileged access to contacts in Government or sensitive information; or
a particular firm or organisation might gain an improper advantage by employing someone who, in the course of their official duties, has had access to:

- information relating to unannounced or proposed developments in Government policy, knowledge of which may affect the prospective employer or any competitors; or
- commercially valuable or sensitive information about any competitors.

[Back to the top of the page](#)

3 . Who must apply

The Rules apply to **all serving civil servants and to former civil servants for two years after the last day of paid service**. This includes:

- ☐ Permanent civil servants;
- ☐ Civil servants on fixed term contracts;
- ☐ Civil servants on secondment to other organisations; those on secondment to the Civil Service from other organisations (except when they are returning to their employing organisation, and remain there for two years, in which case safeguards will have been provided in the terms of secondment); and
- ☐ Special Advisers.
- ☐ Officers on Career Breaks
- ☐ Officers on SUPL
- ☐ Officers who have resigned, taken retirement/severance or have been dismissed

Before accepting **any** new appointment or employment, whether in the UK or overseas, which they intend to take up after they have left the FCO, all serving/former staff must consider whether an application under the Rules is required. **If it is required, they should not accept a new job offer before it has been approved.**

[Back to the top of the page](#)

4 . When approval is required

The process for giving approval differs depending on the applicant's seniority. The operation of these Rules is overseen by the independent [Advisory Committee on Business Appointments](#) who consider the most senior cases.

SMS3 officers and above

An application is required for **any** new appointment or employment that an SMS 3 officer or above wishes to take up during the two year period after their last day of paid service, during a career break or going on/during SUPL or secondment. Completed [application forms](#) from SMS 3 officers or above should be submitted to the HR Director who will refer them to the Advisory Committee (ACOPA). ACOPA provides advice to the Foreign Secretary who makes the final decision.

Because of their role at the highest level of Government, and their access to a wide range of sensitive information, all Permanent Secretaries, including Second Permanent Secretaries, will be subject to a minimum waiting period of three months between leaving paid Civil Service employment and taking up an outside appointment or employment. Most senior Ambassadors are expected for the first six months from their last day at post not to return to the country of their last posting, or advise on it, or have dealings with companies based there. The Advisory Committee may advise that this minimum waiting period should be waived if, in its judgement, no questions of propriety or public concern arise from the appointment or employment being taken up earlier. Equally, the Advisory Committee may consider that public concern about a particular appointment or employment could be of such a degree or character that a longer waiting period is appropriate. Taking account of the maximum waiting period of two years that may be applied, the Committee may, exceptionally, add a rider to their advice saying that they view the appointment or employment to be unsuitable.

As a general principle, there will be a two year ban on civil servants at SMS3 and above lobbying Government on behalf of their new employer after they leave the Civil Service. Lobbying in this context means that the former civil servant should not engage in communication with Government (including Ministers, Special Advisers and officials) with a view to influencing a Government decision or policy in relation to their own interests, or the interests of the organisation by which they are employed, or to whom they are contracted. The two-year lobbying ban may be reduced by the Advisory Committee if they consider this to be justified by the particular circumstances of an individual application.

SMS2

An application is required for **any** new appointment or employment that an SMS2 officer wishes to take up during the two year period after their last day of paid service, during a career break or going on/taking SUPL or secondment. Completed [application forms](#) from SMS2 officers should be sent to the HR Director who will submit a recommendation to the PUS. Decisions on applications from SMS2 are made by the PUS. In all cases, the PUS's written recommendation to the applicant setting out the decision on the case will be copied to the Advisory Committee's Secretariat at the same time.

SMS1 and Delegated Grades

An application is only required for officers in these grades if the individual's circumstances match one or more of the following:

They have been involved in developing policy affecting their prospective employer, or have had access to unannounced Government policy or other privileged information affecting their prospective employer, at any time in their last two years in the Civil Service.

They have been responsible for regulatory, or any other decisions, affecting their prospective employer, at any time in their last two years in the Civil Service.

They have had any official dealings with their prospective employer at any time in their last two years in the Civil Service.

They have had official dealings of a continued or repeated nature with their prospective employer at any time during their Civil Service career.

They have had access to commercially sensitive information of competitors of their prospective employer in the course of their official duties.

The proposed appointment or employment would involve making representations to, or lobbying the Government on behalf of, a new employer.

The proposed appointment or employment is consultancy work, either self-employed or as a member of a firm, and they have had official dealings with outside bodies or organisations in their last two years in the Civil Service that are involved in their proposed area of consultancy work.

For officers going on SUPPL/secondment if there is a conflict with [Diplomatic Service Regulations or Home Service Regulations](#).

SMS1 and Delegated grades officers should answer the questions in the flow chart in [annex A](#) to decide whether they need to apply for permission. If an application is required, SMS 1 officers should submit a completed [application form](#) to PA/HR Director or PA/FCOS HR Director for a decision by the relevant HR Director. Officers in the Delegated Grades should [submit a completed application](#) form to [HR Direct](#) for a decision by HR Head of Appointments and Recruitment Unit or HRG's Head of HR. If they are unsure, SMS1 officers should contact (FCOS) PA/HR Director and Delegated Grades HR Direct/FCOS HR Delivery.

All Grades

Serving staff must report to their line manager any approach from an outside employer with an offer of an appointment or employment for which approval would be required under the Rules if they plan to follow up the offer. Staff engaged in the letting or management of Government contracts must report all offers of an appointment or employment immediately to their line manager whether or not they intend to follow them up.

Special Advisers

Under the terms of their contract, Special Advisers are required to submit an application to the head of their former Department, in the FCO's case, the PUS, for any new appointment or employment they wish to take up during the two year period after their last day of paid service. In view of the particular nature of the Special Adviser role, applications from all Special Advisers, regardless of seniority, are referred to the Advisory Committee. The Advisory Committee provides advice to the PUS, who makes the final decision based on that advice.

Special Advisers should report to the PS/PUS **all** offers of an appointment or employment received while they are employed as a Special Adviser.

Staff on inward and outward secondment

Staff on secondment from the FCO to other organisations (outward secondment) are subject to the Rules in the same way as other FCO and FCOS staff.

Staff on secondment to the FCO from other organisations (inward secondment) are also subject to the Rules in the same way as FCO staff unless they return to their organisations at the end of their secondment and remain there for two years.

[Back to the top of the page](#)

5 . How to apply for approval

Applicants must approach the relevant HRD/HRG contact as early as possible. For SMS officers and SpAds, this will be the PA/HR Director or PA/FCOS HR Director; for officers in the Delegated Grades, HRD Direct or FCOS HR Delivery. HRD/HRG has a process in place for handling business appointment applications. This involves the

applicant completing the relevant application form which will need to be countersigned by an appropriate person, normally someone within the line management chain.

For Special Advisers (SpAds) and SMS 2 officers and above:

Completed **application forms** should be submitted to the PA/HR Director. The Foreign Secretary will make decisions on applications from SMS 3 officers and above. The PUS will make decisions on SMS 2 and SpAd applications.

For SMS1 and Delegated Grades:

Officers in these grades should answer the questions in the flowchart at [annex A](#). If having followed this flowchart, an application is required, SMS 1 officers should submit a [completed application form](#) to PA/HR Director or FCOS PA/HR Director for a decision by the relevant HR Director. Officers in the Delegated Grades should submit a completed [application form](#) to HR Direct or FCOS HR Delivery normally for a decision by HR Head of Appointments and |Recruitment Unit or HRG's Head of HR.as appropriate.

To ensure the quickest possible turn around, applications must be completed in as much detail as possible, with additional sheets or documents attached as necessary to answer the questions posed.

Notification of decisions on applications will normally be made through the (FCOS) HR Director for SMS and SpAds and through HR Direct or FCOS HR Delivery for the Delegated Grades.

Applications may be approved unconditionally, or approved subject to conditions applying for a maximum of two years from the individual's last day of paid service. Such conditions may include a waiting period and/or a prohibition on the individual being involved in lobbying Government on behalf of their new employer. Lobbying in this context means that the former civil servant should not engage in communication with Government (including Ministers, Special Advisers and officials) with a view to influencing a Government decision or policy in relation to their own interests, or the interests of the organisation by which they are employed, or to whom they are contracted. Other restrictions could include a condition that for a specified period, the former member of staff should stand aside from involvement in certain activities, for example, commercial dealings with his or her former Department, or involvement in particular areas of the new employer's business.

If any condition, including a waiting period, is imposed on the proposed appointment it will run from the last day of paid service. Consideration of the application may, where it is judged appropriate, take account of any differences between the last day of paid service and the last day in post. Approval will not normally be given to start a paid appointment or employment with a new employer before completion of the last day of paid service.

Where it is proposed that an application be approved with conditions or a waiting period, the applicant will be offered an opportunity to discuss any concerns he or she may have with an appropriate officer: applicants at SMS3 or above with the Advisory Committee; for Special Advisers with the PUS; SMS 1 and 2, the HR Director\FCOS HR Director and officers in the Delegated Grades with an appropriate HRD/HRG officer before a final decision is made.

For those cases considered by the Advisory Committee (applications from SMS3 or above), in addition to the maximum two-year waiting period, the Advisory Committee may, if they judge the propriety concerns to be substantial, add a rider to their advice saying that they also view the appointment to be unsuitable. It is for the Foreign Secretary (or relevant Permanent Secretary in the case of Special Advisers) to take the final decision on the application based on the advice received from the Advisory Committee.

In addition to notifying the applicant of the outcome of their application, HRD/HRG must also inform prospective employers of any conditions which have been attached to the approval of the appointment or employment. For those applications considered by the Advisory Committee, their advice, alongside summary details of the applicant's last FCO post, will usually be made public once the appointment or employment has been taken up by the applicant or announced. The FCO/FCO Services has the discretion to publicise their advice in the same way. In all other respects, the business appointment process is a confidential one.

[Back to the top of the page](#)

6 . Where to find out more

More about the operation of the Rules, including details of appointments approved and taken up by the most senior members of the Civil Service, can be found on the website

of [the independent Advisory Committee on Business Appointments](#): (See Annexes [C](#), [G](#) and [H](#) of this chapter for information on how applications are handled by HRD/HRG.

[Back to the top of the page](#)

Annex C: Guidelines for Administering Business Appointment Rules

The application

Staff should use the relevant applications forms at Annexes (D) to (F).

The Countersigning Officer should be someone in a position to understand the potential issues arising from the applicant's proposed outside appointment and judge the possible public perceptions should the appointment be taken up as proposed. This will normally be someone in the applicant's line management chain.

The PUS is responsible for the effective operation of the Business Appointment Rules within the FCO. Countersigned applications from SMS officers and SpAds should be sent to the PA/HR Director or FCOS/HR Director for SMS or for officers in the Delegated Grades to HR Direct or FCOS HR Delivery for action. This should include scrutiny of the form to ensure that all the requested information has been completed by both the applicant and the Countersigning Officer, and that there is consistency in decision making across the Department.

Applications **must** be dealt with in the following manner:

SMS 3 or above: All applications must be referred to the Advisory Committee who will give their advice to the Foreign Secretary who will make the final decision. The decision will be communicated to the Department as soon as practicable by the Advisory Committee's Secretariat.

SMS2/1: All applications should be dealt with by HRD/HRG.

All Delegated grades: All applications should be dealt with by HRD/HRG

Special Advisers: All applications must be referred to the Advisory Committee, who will provide advice to the PUS, who will make the final decision.

The proposed decision on **any** application can be referred to the Advisory Committee's Secretariat for informal advice should the Department wish to do so.

An application at any level may be referred to the independent Advisory Committee if the Head of the Civil Service and/or the relevant Permanent Secretary (or equivalent) agree it is necessary to have independent advice.

Before sending any applications from SMS 3 or above and applications from Special Advisers to the Advisory Committee's secretariat for submission to the Advisory Committee, the HR Director must make an initial assessment of the appointment, and take an initial view on what recommendation would be appropriate. This recommendation should accompany the completed application and any supporting documentation and should be sent to the address below:

Office of the Advisory Committee on Business Appointments

Room G/07

1 Horse Guards Road

London

SW1A 2HQ

Tel: (020) 7271 0839

Fax: (020) 7276 2607

Website: <http://acoba.independent.gov.uk>

E-Mail: office@acoba.gsi.gov.uk

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

Once the application process has been completed, the FCO is responsible for making the decision on cases below SMS3.

For cases at SMS2 the PUS' written recommendation to the applicant setting out the decision on the case must be copied to the Advisory Committee's Secretariat at the same time.

Where HRD recommends a waiting period, or conditions, the applicant should be given the opportunity to discuss the application with an appropriate officer and make any representations to them before the final decision is reached. Those applicants dealt with by the Advisory Committee will normally be asked if they wish to meet with the Committee before any advice is offered to the Foreign Secretary (or relevant Permanent Secretary if the applicant is a Special Adviser).

The process for applications that are not submitted to ACOBA is normally 20 working days from receipt of the accepted application form.

Compliance Assurance

Departments must manage the reputational and other risks associated with the movement of staff to other employers. Permanent Secretaries (and equivalents) are personally responsible to the Head of the Civil Service for the effective management of these risks, and the timely and appropriate handling of business appointment applications within their departments.

Permanent Secretaries (and equivalents) are required to send an annual confirmation of compliance to the Advisory Committee.

The Advisory Committee's Secretariat undertakes a programme of informal compliance checks of Departments' arrangements for handling business appointment applications.

Compliance checks will seek evidence of effective management of the Business Appointment Rules which should include the following:

Promoting Awareness: Departments should ensure that all staff have access to the Business Appointment Rules and be aware of their existence. To be enforceable, the Rules must be included in staff handbooks or equivalent documentation (for example, on departmental intranets).

Ensuring Consistency: Departments should put measures in place to ensure that the Rules are consistently applied within the organisation,

and that they are broadly consistent with the Advisory Committee's approach.

Ensuring Fairness: Departments should deal with applications in line with their turnaround targets, and be open and honest with applicants about the handling of their applications.

Managing Leavers: Those leaving the department, for whatever reason, should have the Rules brought to their attention at the earliest opportunity. Care should also be taken when agreeing the terms of any career breaks as this can, on occasion, lead to someone leaving the Department on a permanent basis (for example, it would be difficult to set conditions on the appointment if the Department had already allowed it to be taken up during a career break which had subsequently been curtailed).

Managing Employment Contracts: Draft/model contracts of employment – for example, for fixed term appointees or members of the SMS – should make explicit reference to the Rules.

Protecting Third Parties: Where applicants have, at any time during their last two years in the FCO/Civil Service, had contractual dealings with any competitors of their prospective employer, or access to information concerning them which could be regarded as commercially sensitive, Departments should seek the views of the competitors about the proposed appointment as a matter of course.

Managing High Risk Areas: Departments should identify interchange trends and obvious areas of risk and ensure these are understood by senior management and monitored appropriately – for example, by ensuring that all secondees into the Civil Service are free from any conflict of interest, and that they are free to return to their parent employer without there being cause for concern on propriety grounds.

Informing Parties of Decisions: In addition to advising the applicant of the final decision, the FCO/FCOS must also inform the prospective employer (and, if appropriate, their competitors) of any waiting periods or conditions imposed, as well as informing affected officials within

Government – for example, an applicant’s former colleagues will need to be aware if an appointment has been approved on the condition that the applicant does not personally engage in lobbying former colleagues on behalf of his or her new employer.

Managing Public Expectations: Whilst there is no requirement for Departments to publish their decisions on applications there may be occasions where a particular appointment attracts wider press or public attention. On these occasions, the Department will want to be able to explain their position quickly, and so should ideally structure their case management systems with this in mind – it is unlikely to instil public confidence in the system if Departments are unable to confirm the decisions they have or have not made.

In addition to making public their advice on applications referred to them, the Advisory Committee may also comment on their assessment of overall compliance with the Rules by Departments (and other bodies), in their Annual Report.

[The Advisory Committee’s Secretariat](#) is available to provide advice and support to Departments on the application of the Business Appointment Rules and the handling of individual cases at any level.

[Back to the top of the page](#)

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