



# MINISTERIAL CODE

CABINET OFFICE  
MAY 2010

## MINISTERIAL CODE

Foreword by

*The Prime Minister*

Our new government has a particular and historic responsibility: to rebuild confidence in our political system. After the scandals of recent years, people have lost faith in politics and politicians. It is our duty to restore their trust. It is not enough simply to make a difference. We must be different.

We have promised the people a coalition government united behind the key principles of freedom, fairness and responsibility. Every day of this government we must make good on that promise, acting in a way that reflects these principles.

In everything we do – the policies we develop and how we implement them, the speeches we give, the meetings we hold – we must remember that we are not masters but servants. Though the British people have been disappointed in their politicians, they still expect the highest standards of conduct. We must not let them down.

We must be different in how we think and how we behave. We must be different from what has gone before us. Careful with public money. Transparent about what we do and how we do it. Determined to act in the national interest, above improper influence. Mindful of our duty. Above all, grateful for our chance to change our country.

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DAVID CAMERON

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## MINISTERIAL CODE

### 1 MINISTERS OF THE CROWN

#### General principle

**1.1 Ministers of the Crown are expected to behave in a way that upholds the highest standards of propriety.**

1.2 The *Ministerial Code* should be read alongside the Coalition agreement and the background of the overarching duty on Ministers to comply with the law including international law and treaty obligations and to uphold the administration of justice and to protect the integrity of public life. They are expected to observe the Seven Principles of Public Life set out at Annex A, and the following principles of Ministerial conduct:

a. The principle of collective responsibility, save where it is explicitly set aside, applies to all Government Ministers;

b. Ministers have a duty to Parliament to account, and be held to account, for the policies, decisions and actions of their departments and agencies;

c. It is of paramount importance that Ministers give accurate and truthful information to Parliament, correcting any inadvertent error at the earliest opportunity. Ministers who knowingly mislead Parliament will be expected to offer their resignation to the Prime Minister;

d. Ministers should be as open as possible with Parliament and the public, refusing to provide information only when disclosure would not be in the public interest which should be decided in accordance with the relevant statutes and the *Freedom of Information Act 2000*;

e. Ministers should similarly require civil servants who give evidence before Parliamentary Committees on their behalf and under their direction to be as helpful as possible in providing accurate, truthful and full information in accordance with the duties and responsibilities of civil servants as set out in the *Civil Service Code*;

f. Ministers must ensure that no conflict arises, or appears to arise, between their public duties and their private interests;

g. Ministers should not accept any gift or hospitality which might, or might reasonably appear to, compromise their judgement or place them under an improper obligation;

h. Ministers in the House of Commons must keep separate their roles as Minister and constituency Member;

i. Ministers must not use government resources for Party political purposes;

j. Ministers must uphold the political impartiality of the civil service and not ask civil servants to act in any way which would conflict with the *Civil Service Code* as set out in the *Constitutional Reform and Governance Act 2010*.

1.3 It is not the role of the Cabinet Secretary or other officials to enforce the Code. If there is an allegation about a breach of the Code, and the Prime Minister, having consulted the Cabinet Secretary feels that it warrants further investigation, he will refer the matter to the independent adviser on Ministers' interests.

1.4 The Code provides guidance to Ministers on how they should act and arrange their affairs in order to uphold these standards. It lists the principles which may apply in particular situations. It applies to all members of the Government and covers Parliamentary Private Secretaries in paragraphs 3.6 – 3.12.

1.5 Ministers are personally responsible for deciding how to act and conduct themselves in the light of the Code and for justifying their actions and conduct to Parliament and the public. However, Ministers only remain in office for so long as they retain the confidence of the Prime Minister. He is the ultimate judge of the standards of behaviour expected of a Minister and the appropriate consequences of a breach of those standards.

1.6 Ministers must also comply at all times with the requirements which Parliament itself has laid down in relation to the accountability and responsibility of Ministers. For Ministers in the Commons, these are set by the Resolution carried on 19 March 1997 (*Official Report* columns 1046-47), the terms of which are repeated at b. to e. above. For Ministers in the Lords, the Resolution can be found in the *Official Report* of 20 March 1997 column 1057. Ministers must also comply with the Codes of Conduct for their respective Houses and also any requirements placed on them by the Independent Parliamentary Standards Authority.

## 2 MINISTERS AND THE GOVERNMENT

### General principle

2.1 The principle of collective responsibility, save where it is explicitly set aside, requires that Ministers should be able to express their views frankly in the expectation that they can argue freely in private while maintaining a united front when decisions have been reached. This in turn requires that the privacy of opinions expressed in Cabinet and Ministerial Committees, including in correspondence, should be maintained.

### Cabinet and Ministerial Committee business

2.2 The business of the Cabinet and Ministerial Committees consists in the main of:

- a. questions which significantly engage the collective responsibility of the Government because they raise major issues of policy or because they are of critical importance to the public;
- b. questions on which there is an unresolved argument between departments.

### Collective responsibility

2.3 The internal process through which a decision has been made, or the level of Committee by which it was taken should not be disclosed. Decisions reached by the Cabinet or Ministerial Committees are binding on all members of the Government. They are, however, normally announced and explained as the decision of the Minister concerned. On occasion, it may be desirable to emphasise the importance of a decision by stating specifically that it is the decision of Her Majesty's Government. This, however, is the exception rather than the rule.

2.4 Matters wholly within the responsibility of a single Minister and which do not significantly engage collective responsibility need not be brought to the Cabinet or to a Ministerial Committee unless the Minister wishes to inform his colleagues or to have their advice. No definitive criteria can be given for issues which engage collective responsibility. The Cabinet Secretariats can advise where departments are unsure. When there is a difference between departments, it should not be referred to the Cabinet until other means of resolving it have been exhausted. It is the responsibility of the initiating department to ensure that proposals have been discussed with other interested departments and the outcome of these discussions should be reflected in the memorandum or letter submitted to Cabinet or a Cabinet Committee.



**Attendance at Cabinet and Cabinet Committees**

2.5 Cabinet and Cabinet Committee meetings take precedence over all other Ministerial business apart from the Privy Council, although it is understood that Ministers may occasionally have to be absent for reasons of Parliamentary business. A Minister may delegate attendance at Cabinet Committees to a junior Ministerial colleague (although there may be exceptions for particular meetings at the discretion of the Chair), but officials cannot attend Cabinet Committee meetings in place of a Minister. Restrictions are also in place regarding the attendance of officials and the Cabinet Secretariat must be consulted in advance should officials need to attend.

**Publication of policy statements and Consultation papers**

2.6 Before publishing a policy statement (white paper) or a consultation paper (green paper), departments should consider whether it raises issues which require full collective ministerial consideration through the appropriate Cabinet Committee. The expectation is that most such papers will need collective agreement prior to publication. Any Command Paper containing a major statement of Government policy should be circulated to the Cabinet before publication. This rule applies to Papers containing major statements even when no issue requiring collective consideration is required.

**Cabinet documents**

2.7 Ministers relinquishing office should hand back to their department any Cabinet documents and/or other departmental papers in their possession.

2.8 On a change of Government, the Cabinet Secretary on behalf of the outgoing Prime Minister, issues special instructions about the disposal of Cabinet papers of the outgoing Administration.

**Access by former Ministers to official papers**

2.9 By convention and at the Government's discretion, former Ministers are allowed reasonable access to the papers of the period when they were in office. With the exception of former Prime Ministers, access is limited to former Ministers personally. Subject to compliance with the 'Radcliffe' Rules (paragraph 8.10), former Ministers may have access in the Cabinet Office to copies of Cabinet or Cabinet Committee papers which were issued to them when in office, and access in the relevant department to other official papers which they are known to have handled at the time.

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**The Law Officers**

2.10 The Law Officers must be consulted in good time before the Government is committed to critical decisions involving legal considerations.

2.11 By convention, written opinions of the Law Officers, unlike other ministerial papers, are generally made available to succeeding Administrations.

2.12 When advice from the Law Officers is included in correspondence between Ministers, or in papers for the Cabinet or Ministerial Committees, the conclusions may if necessary be summarised but, if this is done, the complete text of the advice should be attached.

2.13 The fact that the Law Officers have advised or have not advised and the content of their advice must not be disclosed outside Government without their authority.

### 3 MINISTERS AND APPOINTMENTS

#### General principle

3.1 Ministers have a duty to ensure that influence over civil service and public appointments is not abused for partisan purposes. Civil service appointments must be made in accordance with the requirements of the *Constitutional Reform and Governance Act 2010* and the *Civil Service Commissioners' Recruitment Principles*. Public appointments should be made in accordance with the requirements of the law and, where appropriate, the Code of Practice issued by the Commissioner for Public Appointments.

#### Special Advisers

3.2 With the exception of the Prime Minister and the Deputy Prime Minister, Cabinet Ministers may each appoint up to two special advisers (paid or unpaid). The Prime Minister may also authorise the appointment of one special adviser by Ministers who regularly attend Cabinet. Where a Minister has additional responsibility additional advisers may be allowed. All appointments, including exceptions to this rule, require the prior written approval of the Prime Minister, and no commitments to make such appointments should be entered into in the absence of such approval. All special advisers will be appointed under terms and conditions set out in the *Model Contract for Special Advisers* and the *Code of Conduct for Special Advisers*.

3.3 All special advisers must uphold their responsibility to the Government as a whole, not just their appointing Minister. The responsibility for the management and conduct of special advisers, including discipline, rests with the Minister who made the appointment. Individual Ministers will be accountable to the Prime Minister, Parliament and the public for their actions and decisions in respect of their special advisers. It is, of course, also open to the Prime Minister to terminate employment by withdrawing his consent to an individual appointment.

3.4 The Government will publish an annual statement to Parliament setting out the numbers, names and paybands of special advisers, the appointing Minister and the overall paybill.

#### Departmental Boards

3.5 Secretaries of State should chair their departmental board. ~~Boards should comprise other Ministers, senior officials and~~ non-executive board members, largely drawn from the commercial private sector and appointed by the Secretary of State in accordance with Cabinet Office guidelines. The remit of the board should be performance and delivery, and to provide the strategic leadership of the department.

**Parliamentary  
Private  
Secretaries**

3.6 Cabinet Ministers and Ministers of State may appoint Parliamentary Private Secretaries. All appointments require the prior written approval of the Prime Minister. The Chief Whip should also be consulted and no commitments to make such appointments should be entered into until such approval is received.

3.7 Parliamentary Private Secretaries are not members of the Government. However, they must ensure that no conflict arises, or appears to arise, between their role as a Parliamentary Private Secretary, and their private interests.

3.8 Official information given to them should generally be limited to what is necessary for the discharge of their Parliamentary and political duties. This need not preclude them from being brought into departmental discussions where appropriate, but any such access should be approved by the relevant appointing Minister. They should not have access to information classified at secret or above. Nor should they have access to secure government establishments.

3.9 Parliamentary Private Secretaries are expected to support the Government in important divisions in the House. No Parliamentary Private Secretary who votes against the Government can retain his or her position.

3.10 Parliamentary Private Secretaries should not make statements in the House or put Questions on matters affecting the department with which they are connected. They are not precluded from serving on Select Committees, but they should withdraw from any involvement with inquiries into their appointing Minister's department, and they should avoid associating themselves with recommendations critical of or embarrassing to the Government. They should also exercise discretion in any speeches or broadcasts outside the House.

3.11 Where it is proposed to take a Parliamentary Private Secretary on an official visit overseas, the Prime Minister's approval is required. Official overseas travel by a Parliamentary Private Secretary should be exceptional.

3.12 Parliamentary Private Secretaries, particularly those in departments with planning responsibilities, should take special care when making representations to Ministers about planning issues. In particular, they should not discuss planning cases with interested parties or imply that they have any influence over planning decisions. In representing their constituency interests they should abide by the guidance in section 6 of this Code. Permanent Secretaries should be advised of any such interests.

## 4 MINISTERS AND THEIR DEPARTMENTS

### General principle

4.1 The Prime Minister is responsible for the overall organisation of the executive and the allocation of functions between Ministers in charge of departments.

### Approval criteria

4.2 The Prime Minister's approval must be sought where changes are proposed that affect this allocation and the responsibilities for the discharge of ministerial functions. This applies whether the functions in question are derived from statute or from the exercise of the Royal Prerogative, or are general administrative responsibilities.

4.3 The Prime Minister's written approval must be sought where it is proposed to transfer functions:

a. between Ministers in charge of departments unless the changes are de minimis, can be made administratively and do not justify public announcement.

b. within the field of responsibility of one Minister when the change is likely to be politically sensitive or to raise wider issues of policy or organisation.

c. between junior Ministers within a department when a change in ministerial titles is involved.

4.4 In addition, the Prime Minister's written approval should be sought for proposals to allocate new functions to a particular Minister where the function does not fall wholly within the field of responsibilities of one Minister, or where there is disagreement about who should be responsible.

4.5 Unresolved disputes concerning the allocation of functions should be referred to the Cabinet Secretary before a submission is made to the Prime Minister.

### Ministers outside the Cabinet

4.6 The Minister in charge of a department is solely accountable to Parliament for the exercise of the powers on which the administration of that department depends. The Minister's authority may, however, be delegated to a Minister of State, a Parliamentary Secretary, or to an official. It is desirable that Ministers in charge should devolve to their junior Ministers responsibility for a defined range of departmental work, particularly in connection with Parliament. A Minister's proposal for the assignment of duties to junior Ministers, together with any proposed "courtesy titles" descriptive of their duties should be agreed in writing with the Prime Minister, copied to the Cabinet Secretary.

4.7 Ministers of State and Parliamentary Secretaries will be authorised to supervise the day-to-day administration of a defined range of subjects. This arrangement does not relieve the Permanent Secretary of general responsibility for the organisation and discipline of the department or of the duty to advise on matters of policy. The Permanent Secretary is not subject to the directions of junior Ministers. Equally, junior Ministers are not subject to the directions of the Permanent Secretary. Any conflict of view between the two can be resolved only by reference to the Minister in charge of the department.

**Arrangements  
during absence  
from London**

4.8 Departments should ensure appropriate arrangements are made for Ministerial cover when Ministers are absent from London.

4.9 The Prime Minister's prior approval should be sought for the arrangements for superintending the work of a department when the Minister in charge will be absent. Special care must be taken over the exercise of statutory powers. Ministers should seek legal advice in cases of doubt.

**Royal  
Commissions/  
Public  
Inquiries**

4.10 The Prime Minister must be consulted in good time about any proposal to set up:

a. Royal Commissions: these can only be set up with the sanction of the Cabinet and after The Queen's approval has been sought by the Prime Minister;

b. Major public inquiries under the Inquiries Act 2005.

4.11 The Lord Chancellor and Secretary of State for Justice should also be consulted where there is a proposal to appoint a judge or legal officer to the above (paragraph 4.10).

## 5 MINISTERS AND CIVIL SERVANTS

### General principle

5.1 Ministers must uphold the political impartiality of the civil service, and not ask civil servants to act in any way which would conflict with the *Civil Service Code* and the requirements of the *Constitutional Reform and Governance Act 2010*.

5.2 Ministers have a 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 policy decisions, and should have regard to the *Principles of Scientific Advice to Government*.

### The role of the Accounting Officer

5.3 Heads of departments and the chief executives of executive agencies are appointed as Accounting Officers. This is a personal responsibility for the propriety and regularity of the public finances for which he or she is responsible; for keeping proper accounts; for the avoidance of waste and extravagance; and for the efficient and effective use of resources. Accounting Officers answer personally to the Committee of Public Accounts on these matters, within the framework of Ministerial accountability to Parliament for the policies, actions and conduct of their departments.

5.4 Accounting Officers have a particular responsibility to see that appropriate advice is tendered to Ministers on all matters of financial propriety and regularity and more broadly as to all considerations of prudent and economical administration, efficiency and effectiveness and value for money. If a Minister in charge of a department is contemplating a course of action which would involve a transaction which the Accounting Officer considers would breach the requirements of propriety or regularity, the Accounting Officer will set out in writing his or her objections to the proposal, the reasons for the objection and the duty to inform the Comptroller and Auditor General should the advice be overruled.

5.5 If the Minister decides nonetheless to proceed, the Accounting Officer will seek a written instruction to take the action in question. The Accounting Officer is obliged to comply with the instructions and send relevant papers to the Comptroller and Auditor General. A similar procedure applies where the Accounting Officer has concerns about whether a proposed course of action offers value for money. This notification process enables the Committee of Public Accounts to see that the Accounting Officer does not bear personal responsibility for the actions concerned.



## 6 MINISTERS' CONSTITUENCY AND PARTY INTERESTS

### General principle

6.1 Facilities provided to Ministers at Government expense to enable them to carry out their official duties should not be used for Party or constituency work.

### Use of Government property/resources

6.2 Government property should not generally be used for constituency work or party activities. A particular exception is recognised in the case of official residences. Where Ministers host Party or personal events in these residences it should be at their own or Party expense with no cost falling to the public purse. (See also paragraph 7.10).

6.3 Official facilities and resources may not be used for the dissemination of material which is essentially party political. The conventions governing the work of the Government Communication Network are set out in the Government Communication Network's *Propriety Guidance – Guidance on Government Communications*.

### Constituency interests

6.4 Where Ministers have to take decisions within their departments which might have an impact on their own constituencies, they must take particular care to avoid any possible conflict of interest. Within departments, the Minister should advise their Permanent Secretary and, in the case of junior Ministers, their Secretary of State of the interest and responsibilities should be arranged to avoid any conflict of interest.

6.5 Ministers are free to make their views about constituency matters known to the responsible Minister by correspondence, leading deputations or by personal interview provided they make clear that they are acting as their constituents' representative and not as a Minister.

6.6 Ministers are advised to take particular care in cases relating to planning applications in their constituencies or other similar issues. In all such cases, it is important that they make clear that they are representing the views of their constituents, avoid criticism of Government policies and confine themselves to comments which could reasonably be made by those who are not Ministers. Once a decision has been announced, it should be accepted without question or criticism.

6.7 Particular care also needs to be taken over cases in which a Minister may have a personal interest or connection, for example because they concern family, friends or employees. If, exceptionally, a Minister wishes to raise questions about the

handling of such a case they should advise their Permanent Secretary and write to the Minister responsible, as with constituency cases, but they should make clear their personal connection or interest. The responsible Minister should ensure that any enquiry is handled without special treatment.

**Lottery bids**

6.8 In order to avoid the impression that Ministers are seeking to influence decisions on awards of Lottery money, Ministers should not normally give specific public support for individual applications for Lottery funding. Where a Minister wishes to lend support to a specific project within their constituency they should do so on the very clear understanding that it is in a constituency capacity.

**Parliamentary  
Commissioner  
for  
Administration  
cases**

6.9 Ministers in the Commons who are asked by members of the public to submit cases to the Parliamentary Commissioner for Administration (PCA) should act no differently from other MPs in deciding whether to refer complaints to the PCA on the merits of the individual case.

6.10 Where a complaint from a constituent is against the Minister's own department the Minister should ask a neighbouring MP to take up the constituent's case on his or her behalf.

## 7 MINISTERS' PRIVATE INTERESTS

### General principle

7.1 Ministers must ensure that no conflict arises, or could reasonably be perceived to arise, between their public duties and their private interests, financial or otherwise.

### Responsibility for avoiding a conflict

7.2 It is the personal responsibility of each Minister to decide whether and what action is needed to avoid a conflict or the perception of a conflict, taking account of advice received from their Permanent Secretary and the independent adviser on Ministers' interests.

### Procedure

7.3 On appointment to each new office, Ministers must provide their Permanent Secretary with a full list in writing of all interests which might be thought to give rise to a conflict. The list should also cover interests of the Minister's spouse or partner and close family which might be thought to give rise to a conflict.

7.4 Where appropriate, the Minister will meet the Permanent Secretary and the independent adviser on Ministers' interests to agree action on the handling of interests. Ministers must record in writing what action has been taken, and provide the Permanent Secretary and the independent adviser on Ministers' interests with a copy of that record.

7.5 The personal information which Ministers disclose to those who advise them is treated in confidence. However, a statement covering relevant Ministers' interests will be published twice yearly.

7.6 Where it is proper for a Minister to retain a private interest, he or she should declare that interest to Ministerial colleagues if they have to discuss public business which in any way affects it and the Minister should remain entirely detached from the consideration of that business. Similar steps may be necessary in relation to a Minister's previous interests.

### Financial interests

7.7 Ministers must scrupulously avoid any danger of an actual or perceived conflict of interest between their Ministerial position and their private financial interests. They should be guided by the general principle that they should either dispose of the interest giving rise to the conflict or take alternative steps to prevent it. In reaching their decision they should be guided by the advice given to them by their Permanent Secretary and the independent adviser on Ministers' interests. Ministers' decisions should not be influenced by the hope or expectation of future employment with a particular firm or organisation.

**Steps to be taken where financial interests are retained**

7.8 Where exceptionally it is decided that a Minister can retain an interest, the Minister and the department must put processes in place to prohibit access to certain papers and ensure that the Minister is not involved in certain decisions and discussions relating to that interest.

7.9 In some cases, it may not be possible to devise a mechanism to avoid a conflict of interest. In any such case, the Prime Minister must be consulted and it may be necessary for the Minister to cease to hold the office in question.

**Official Residences**

7.10 Where a Minister is allocated an official residence, they must ensure that all personal tax liabilities, including council tax, are properly discharged, and that they personally pay such liabilities. Ministers who occupy an official residence will not be able to claim Accommodation Expenses from the Independent Parliamentary Standards Authority. (See also paragraph 6.2).

**Public appointments**

7.11 When they take up office, Ministers should give up any other public appointment they may hold. Where exceptionally it is proposed that such an appointment should be retained, the Minister should seek the advice of their Permanent Secretary and the independent adviser on Ministers' interests.

**Non-Public Bodies**

7.12 Ministers should take care to ensure that they do not become associated with non-public organisations whose objectives may in any degree conflict with Government policy and thus give rise to a conflict of interest.

7.13 Ministers should not therefore normally accept invitations to act as patrons of, or otherwise offer support to, pressure groups, or organisations dependent in whole or in part on Government funding. There is normally less objection to a Minister associating him or herself with a charity, subject to the points above, but Ministers should take care to ensure that in participating in any fund-raising activity, they do not place, or appear to place, themselves under an obligation as Ministers to those to whom appeals are directed and for this reason they should not approach individuals or companies personally for this purpose. In all such cases, the Minister should consult their Permanent Secretary and where appropriate the independent adviser on Ministers' interests.

**Membership of  
Select  
Committees/  
All Party  
Parliamentary  
Groups**

7.14 In order to avoid any conflict of interest, Ministers on taking up office should give up membership or chairmanship of a Select Committee or All Party Parliamentary Group. This is to avoid any risk of criticism that a Minister is seeking to influence the Parliamentary process. Ministers must also avoid being drawn into a situation whereby their membership of a Committee could result in the belief that ministerial support is being given to a particular policy or funding proposal.

**Trade Unions**

7.15 There is, of course, no objection to a Minister holding trade union membership but care must be taken to avoid any actual or perceived conflict of interest. Accordingly, Ministers should arrange their affairs so as to avoid any suggestion that a union of which they are a member has any undue influence; they should take no active part in the conduct of union affairs, should give up any office they may hold in a union and should receive no remuneration from a union. A nominal payment purely for the purpose of protecting a Minister's future pension rights is acceptable.

**Legal  
proceedings**

7.16 Where Ministers become involved in legal proceedings in a personal capacity, there may be implications for them in their official position. Defamation is an example of an area where proceedings will invariably raise issues for the Minister's official as well as his or her private position. In all such cases, Ministers should consult the Law Officers in good time and before legal proceedings are initiated so that they may offer guidance on the potential implications and handling of the proceedings.

7.17 Similarly, when a Minister is a defendant or a witness in an action, he or she should notify the Law Officers as soon as possible. Preferably, this should be before he or she has instructed his or her own solicitors in the matter.

**Nomination for  
prizes and  
awards**

7.18 From time to time, the personal support of Ministers is requested for nominations being made for international prizes and awards, for example, the annual Nobel prizes. Ministers should not sponsor individual nominations for any awards, since it would be inevitable that some people would assume that the Government was itself thereby giving its sponsorship.

**Foreign  
decorations**

7.19 Ministers should not normally, while holding office, accept decorations from foreign countries.

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**Acceptance of gifts and hospitality**

7.20 It is a well established and recognised rule that no Minister should accept gifts, hospitality or services from anyone which would, or might appear to, place him or her under an obligation. The same principle applies if gifts etc are offered to a member of their family.

7.21 This is primarily a matter which must be left to the good sense of Ministers. But any Minister in doubt or difficulty over this should seek the advice of their Permanent Secretary and the independent adviser on Ministers' interests where appropriate.

7.22 Gifts given to Ministers in their Ministerial capacity become the property of the Government and do not need to be declared in the Register of Members' or Peers' Interests. Gifts of small value, currently this is set at £140, may be retained by the recipient. Gifts of a higher value should be handed over to the department for disposal unless the recipient wishes to purchase the gift abated by £140. There is usually no customs duty or import VAT payable on the importation of official gifts received overseas. HMRC can advise on any cases of doubt. If a Minister wishes to retain a gift he or she will be liable for any tax it may attract. Departments will publish, at least quarterly, details of gifts received and given by Ministers valued at more than £140.

7.23 Gifts given to Ministers as constituency MPs or members of a political Party fall within the rules relating to the Registers of Members' and Lords' Interests.

7.24 If a Minister accepts hospitality in a Ministerial capacity, the Minister should notify their Permanent Secretary. Departments will publish, at least quarterly, details of hospitality received by Ministers in a Ministerial capacity. Hospitality accepted as an MP or Peer should be declared in the Register of Members' or Lords' Interests respectively. Registration of hospitality would normally be required for hospitality around £650<sup>1</sup> in value for the Commons and £500<sup>1</sup> for the Lords.

**Acceptance of appointments after leaving ministerial office**

7.25 On leaving office, Ministers will be prohibited from lobbying Government for two years. They must also seek advice from the independent Advisory Committee on Business Appointments about any appointments or employment they wish to take up ~~within two years of leaving office. Former Ministers must abide by~~ the advice of the Committee.

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<sup>1</sup> These figures will be updated from time to time by the House.

## 8 MINISTERS AND THE PRESENTATION OF POLICY

### General principle

8.1 Official facilities paid for out of public funds can be used for Government publicity and advertising but may not be used for the dissemination of material which is essentially party political. The conventions governing the work of the Government Communication Network are set out in the Government Communication Network's *Propriety Guidance - Guidance on Government Communications*.

### Media interviews, speeches etc

8.2 In order to ensure the effective coordination of Cabinet business, the policy content and timing of all major announcements, speeches, press releases and new policy initiatives should, where possible, be cleared in draft with the No 10 Press and Private Offices 24 hours in advance. All major interviews and media appearances, both print and broadcast, should also be agreed with the No 10 Press Office.

8.3 In all cases other than those described in paragraph 6.6, the principle of collective responsibility applies (see also paragraph 2.1). Ministers should ensure that their statements are consistent with collective Government policy. Ministers should take special care in referring to subjects which are the responsibility of other Ministers.

8.4 Ministers must only use official machinery for distributing texts of speeches relating to Government business. Speeches made in a party political context must be distributed through the Party machinery.

8.5 Ministers invited to broadcast on radio, television and/or webcasts in a political or private capacity should consider if such a broadcast would have a bearing on another department's responsibilities, in which case they should clear the matter with the ministerial colleague concerned before agreeing to the invitation.

### ~~Press articles~~

~~8.6 Ministers may contribute to a book, journal or newspaper, including a local newspaper in their constituency, provided that publication will not be at variance with their obligations to Parliament and their duty to observe the principle of collective Ministerial responsibility. No payment should be accepted for such articles.~~

8.7 Any Minister wishing to practice regular journalism must have the prior approval of the No 10 Press Office.

**Payment for speeches, media articles etc**

8.8 Ministers should not accept payment for speeches or media articles of an official nature or which directly draw on their responsibilities or experience as Ministers or with a view to donating the fee to charity. If the organisation in question insists on making a donation to a charity then it should be a charity of the organisation's choice. This is to avoid any criticism that a Minister is using his or her official position to influence or take the credit for donations to charity.

**Books**

8.9 Ministers may not, while in office, write and publish a book on their ministerial experience. Nor, while serving as a Minister, may they enter into any agreement to publish their memoirs on leaving their ministerial position.

8.10 Former Ministers intending to publish their memoirs are required to submit the draft manuscript in good time before publication to the Cabinet Secretary and to conform to the principles set out in the Radcliffe report of 1976 (Cmnd 6386).

**Surveys**

8.11 Ministers are sometimes asked to give interviews to persons engaged in academic research or in market opinion surveys or questionnaires. Ministers should bear in mind the possibility that their views may be reported in a manner incompatible with their responsibilities and duties as members of the Government and such interviews should normally be declined.

**Publication of White and Consultation papers**

8.12 Care should be taken to avoid infringing Parliamentary privilege when publicity is being arranged for White Papers and similar documents. A procedure is available whereby Confidential Final Revise proof copies can be made available. In some cases for instance, where commercially sensitive material is involved, no copies should be made available to the media before publication. See also paragraph 2.6 for clearance of the content of White Papers and similar documents.

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**Complaints**

8.13 Ministers who wish to make a complaint against a journalist or a particular section of the media either to the Press Complaints Commission or to the Broadcasting Complaints Commission must have the approval of the No 10 Chief Press Secretary. Paragraph 7.16 is also relevant in relation to defamation proceedings.



**Meetings with external organisations**

8.14 Ministers meet many people and organisations and consider a wide range of views as part of the formulation of Government policy. Departments will publish, at least quarterly, details of Ministers' external meetings.

**Statistics**

8.15 Ministers need to be mindful of the UK Statistics Authority's *Code of Practice* which defines good practice in relation to official statistics, observance of which is a statutory requirement on all organisations that produce National Statistics in accordance with the provisions of the *Statistics and Registration Service Act 2007*.

8.16 Ministers also need to have regard to the *Pre-Release Access to Official Statistics Order*, which place strict conditions on access to official statistics in their final form, including limiting access ahead of publication and prohibits any statement or comment to the press ahead of release of the statistics.

## 9 MINISTERS AND PARLIAMENT

### General principle

9.1 When Parliament is in session, the most important announcements of Government policy should be made in the first instance, in Parliament.

### Timing and form of announcement

9.2 Even when Government announcements are not of major importance their timing may require careful consideration in order to avoid clashes with other Government publications, statements or announcements or with planned Parliamentary business. The Offices of the Leader of the Commons, the Chief Whip, the Deputy Prime Minister and the Prime Minister should be given as long an opportunity as possible to comment on all important announcements.

9.3 Every effort should be made to avoid leaving significant announcements to the last day before a recess.

### Oral Statements

9.4 Ministers should not give undertakings, either in or outside the House of Commons, that an oral statement will be made to the House until the agreement has been given by the private secretaries to the Prime Minister, the Deputy Prime Minister, the Leader of the House of Commons and the Chief Whip. The Leader of the House of Lords and Lords Chief Whip should be consulted where a statement is to be made in the House of Lords in the first instance.

9.5 A copy of the text of an oral statement should usually be shown to the Opposition shortly before it is made. For this purpose, 15 copies of the statement and associated documents should be sent to the Chief Whip's Office at least 45 minutes before the statement is to be made. At the same time, a copy of the final text of an oral statement should in all cases be sent in advance to the Speaker.

9.6 Every effort must be made to ensure that where a former Minister or a Ministerial colleague and/or a fellow MP/Peer is mentioned in a statement or report which prompts a Ministerial statement, he or she is given as much notice as is reasonably possible.

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### Select Committee Reports

~~9.7 Any Minister or Parliamentary Private Secretary who~~ receives a copy of a Select Committee report in advance of publication excluding copies sent to departments at the Confidential Final Revise stage should make no use of them and should return them without delay to the Clerk of the relevant Committee. Civil servants, including special advisers, are also covered by this ruling.

## 10 TRAVEL BY MINISTERS

### General principle

10.1 Ministers must ensure that they always make efficient and cost-effective travel arrangements. Official transport should not normally be used for travel arrangements arising from Party or private business, except where this is justified on security grounds.

### Overseas visits

10.2 Ministers should make it their personal responsibility to approve the size and composition of Ministerial delegations for which their department is responsible, keeping delegations as small as possible. Ministers will wish to be satisfied that their arrangements could be defended in public.

10.3 Departments will publish, at least quarterly, details of all travel overseas by Ministers.

10.4 When Ministers travel on official business, their travel expenses should be borne by the departmental vote. Offers of free travel should not normally be accepted. The only exception to this is in the case of an offer of transport from an overseas government provided no undue obligation is created.

### Non-scheduled flights

10.5 Only members of the Cabinet and Ministers in charge of Departments have discretion to authorise special flights either for themselves or other Ministers within their Departments. Non-scheduled flights may be authorised when a scheduled service is not available, or when it is essential to travel by air, but the requirements of official or Parliamentary business or security considerations preclude the journey being made by a scheduled service. Use of special flights by Parliamentary Secretaries should only be approved in exceptional circumstances.

10.6 Non-scheduled flights must not be diverted for journeys to or from party business or constituency visits. When the time factor is critical, diversions from direct routes may, however, be authorised to collect or deliver a Minister to an airfield near his or her home provided that the only extra cost results from the extra flying time needed to carry out the additional landing and take-off.

10.7 In addition, Ministers travelling on business of the defence departments or visiting a Service or Defence Establishment may use Ministry of Defence aircrafts in accordance with rules and procedures approved by the Secretary of State for Defence.

**Ministers recalled from abroad**

10.8 If a Minister is abroad with permission and is called home for ministerial or Parliamentary reasons – including to vote – the cost of the extra journey back and forth may be met by public funds.

**UK visits**

10.9 Ministers intending to make a visit within the United Kingdom must inform in advance the MPs whose constituencies are to be included within the itinerary.

10.10 Similar courtesies should be extended when UK Ministers are visiting the constituencies of members of the Scottish Parliament, the National Assembly for Wales and the Northern Ireland Assembly.

10.11 Ministers who are planning official visits to Scotland, Wales and Northern Ireland should inform the Secretary of State concerned.

**Use of Official cars**

10.12 Ministers are permitted to use an official car for official business and for home to office journeys within a reasonable distance of London on the understanding that they would normally be carrying classified papers on which they would be working. Where practicable, Ministers are encouraged to use public transport.

10.13 The number of Ministers with allocated cars and drivers will be kept to a minimum, taking into account security and other relevant considerations. Other Ministers will be entitled to use cars from the Government Car Service Pool as needed.

**Party Political occasions**

10.14 Where a visit is a mix of political and official engagements, it is important that the department and the Party each meet a proper proportion of the actual cost.

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10.15 ~~The Prime Minister, and any other Minister for whom the security authorities exceptionally consider it essential, may use their official cars for all journeys by road, including those for private or Party purposes.~~

**Air Miles**

10.16 Air miles and other benefits earned through travel paid for from public funds, other than where they are de minimis for example, access to special departure lounges or booking arrangements which go with membership of regular flier clubs, should be used only for official purposes or else foregone. If it is impracticable to use the benefits for Government travel, there is no objection to Ministers donating them to charity if this is permissible under the terms of the airline's scheme and the charity is one chosen by the airline.

**Travelling expenses of spouses/partners**

10.17 The expenses of a Minister's spouse/partner when accompanying the Minister on the latter's official duties may occasionally be paid from public funds provided that it is clearly in the public interest that he or she should accompany the Minister. The agreement of the Prime Minister must be obtained on each occasion before travel.

**Travelling expenses of special advisers**

10.18 The relevant Permanent Secretary's approval must be obtained before a special adviser accompanies a Minister overseas.

**ANNEX A**

**The Seven Principles of Public Life**

**Selflessness**

Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

**Integrity**

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

**Objectivity**

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

**Accountability**

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

**Openness**

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

**Honesty**

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

**Leadership**

~~Holders of public office should promote and support these principles by leadership and example.~~

**CIVIL SERVICE CODE**

## **CIVIL SERVICE CODE**

Presented to Parliament pursuant to section 5 (5) of the *Constitutional Reform and Governance Act 2010*



## Civil Service values

1. The statutory basis for the management of the Civil Service is set out in Part 1 of the Constitutional Reform and Governance Act 2010.
2. The Civil Service is an integral and key part of the government of the United Kingdom<sup>1</sup>. It supports the Government of the day in developing and implementing its policies, and in delivering public services. Civil servants are accountable to Ministers<sup>2</sup>, who in turn are accountable to Parliament<sup>3</sup>.
3. As a civil servant, you are appointed on merit on the basis of fair and open competition and are expected to carry out your role with dedication and a commitment to the Civil Service and its core values: integrity, honesty, objectivity and impartiality. In this Code:
  - 'integrity' is putting the obligations of public service above your own personal interests;
  - 'honesty' is being truthful and open;
  - 'objectivity' is basing your advice and decisions on rigorous analysis of the evidence; and
  - 'impartiality' is acting solely according to the merits of the case and serving equally well Governments of different political persuasions.
4. These core values support good government and ensure the achievement of the highest possible standards in all that the Civil Service does. This in turn helps the Civil Service to gain and retain the respect of Ministers, Parliament, the public and its customers.

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<sup>1</sup>Civil servants working for the Scottish Executive and the Welsh Assembly Government, and their Agencies, have their own versions of the Code. Similar Codes apply to the Northern Ireland Civil Service and the Diplomatic Service. Civil servants working in Non Ministerial Departments in England, Scotland and Wales are covered by this Code.

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<sup>2</sup>Some civil servants are accountable to the office holder in charge of their organisation. This is made clear in terms and conditions of employment.

<sup>3</sup>Civil servants advising Ministers should be aware of the constitutional significance of Parliament, and of the conventions governing the relationship between Parliament and the Government.

5. This Code<sup>4</sup> sets out the standards of behaviour expected of you and other civil servants. These are based on the core values which are set out in legislation. Individual departments may also have their own separate mission and values statements based on the core values, including the standards of behaviour expected of you when you deal with your colleagues.

## Standards of behaviour

### Integrity

#### 6. You must:

- fulfil your duties and obligations responsibly;
- always act in a way that is professional<sup>5</sup> and that deserves and retains the confidence of all those with whom you have dealings<sup>6</sup>;
- carry out your fiduciary obligations responsibly (that is make sure public money and other resources are used properly and efficiently);
- deal with the public and their affairs fairly, efficiently, promptly, effectively and sensitively, to the best of your ability;
- keep accurate official records and handle information as openly as possible within the legal framework; and
- comply with the law and uphold the administration of justice.

#### 7. 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;

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<sup>4</sup> The respective responsibilities placed on Ministers and special advisers in relation to the Civil Service are set out in their Codes of Conduct: [www.cabinetoffice.gov.uk/propriety\\_and\\_ethics](http://www.cabinetoffice.gov.uk/propriety_and_ethics). Special advisers are also covered by this Civil Service Code except, in recognition of their specific role, the requirements for objectivity and impartiality (paras 10-15 below).

<sup>5</sup> Including taking account of ethical standards governing particular professions.

<sup>6</sup> Including a particular recognition of the importance of cooperation and mutual respect between civil servants working for the UK Government and the devolved administrations and vice-versa.

- accept gifts or hospitality or receive other benefits from anyone which might reasonably be seen to compromise your personal judgement or integrity; or
- disclose official information without authority. This duty continues to apply after you leave the Civil Service.

### Honesty

8. You must:

- set out the facts and relevant issues truthfully, and correct any errors as soon as possible; and
- use resources only for the authorised public purposes for which they are provided.

9. You must not:

- deceive or knowingly mislead Ministers, Parliament or others; or
- be influenced by improper pressures from others or the prospect of personal gain.

### Objectivity

10. You must:

- provide information and advice, including advice to Ministers, on the basis of the evidence, and accurately present the options and facts;
- take decisions on the merits of the case; and
- take due account of expert and professional advice.

11. You must not:

- ~~ignore inconvenient facts or relevant considerations when providing advice or making decisions; or~~
- frustrate the implementation of policies once decisions are taken by declining to take, or abstaining from, action which flows from those decisions.

### Impartiality

12. You must:

- carry out your responsibilities in a way that is fair, just and equitable and reflects the Civil Service commitment to equality and diversity.

13. You must not:

- act in a way that unjustifiably favours or discriminates against particular individuals or interests.

### Political Impartiality

14. You must:

- serve the Government<sup>7</sup>, whatever its political persuasion, to the best of your ability in a way which maintains political impartiality and is in line with the requirements of this Code, no matter what your own political beliefs are;
- act in a way which deserves and retains the confidence of Ministers, while at the same time ensuring that you will be able to establish the same relationship with those whom you may be required to serve in some future Government; and
- comply with any restrictions that have been laid down on your political activities.

15. You must not:

- act in a way that is determined by party political considerations, or use official resources for party political purposes; or
- allow your personal political views to determine any advice you give or your actions.

### Rights and responsibilities

16. Your department or agency has a duty to make you aware of this Code and its values. If you believe that you are being required to act in a way which conflicts with this Code, your department or agency must consider your concern, and make sure that you are not penalised for raising it.

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<sup>7</sup> Some civil servants are accountable to the office holder in charge of their organisation. This is made clear in terms and conditions of employment.

17. If you have a concern, you should start by talking to your line manager or someone else in your line management chain. If for any reason you would find this difficult, you should raise the matter with your department's nominated officers who have been appointed to advise staff on the Code.

18. If you become aware of actions by others which you believe conflict with this Code you should report this to your line manager or someone else in your line management chain; alternatively you may wish to seek advice from your nominated officer. You should report evidence of criminal or unlawful activity to the police or other appropriate regulatory authorities. This Code does not cover HR management issues.

19. If you have raised a matter covered in paragraphs 16 to 18, in accordance with the relevant procedures<sup>8</sup>, and do not receive what you consider to be a reasonable response, you may report the matter to the Civil Service Commission<sup>9</sup>. The Commission will also consider taking a complaint direct. Its address is:

3rd Floor, 35 Great Smith Street, London SW1P 3BQ.  
Tel: 020 7276 2613  
email: [info@civilservicecommission.org.uk](mailto:info@civilservicecommission.org.uk)

If the matter cannot be resolved using the procedures set out above, and you feel you cannot carry out the instructions you have been given, you will have to resign from the Civil Service.

20. This Code is part of the contractual relationship between you and your employer. It sets out the high standards of behaviour expected of you which follow from your position in public and national life as a civil servant. You can take pride in living up to these values.

November 2010

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<sup>8</sup>The whistleblowing legislation (the Public Interest Disclosure Act 1998) may also apply in some circumstances. The Directory of Civil Service Guidance and the Civil Service Management Code give more information: [www.cabinetoffice.gov.uk/conduct-ethics/civil-service.aspx](http://www.cabinetoffice.gov.uk/conduct-ethics/civil-service.aspx).

<sup>9</sup>The Civil Service Commission's Guide to Bringing a Complaint gives more information, available on the Commission's website: [www.civilservicecommission.org.uk](http://www.civilservicecommission.org.uk).

## CODE OF CONDUCT FOR SPECIAL ADVISERS

1. As set out in the *Ministerial Code*, the employment of special advisers adds a political dimension to the advice and assistance available to Ministers while reinforcing the political impartiality of the permanent Civil Service by distinguishing the source of political advice and support.
2. Special advisers are employed to help Ministers on matters where the work of Government and the work of the Government Party overlap and where it would be inappropriate for permanent civil servants to become involved. They are an additional resource for the Minister providing assistance from a standpoint that is more politically committed and politically aware than would be available to a Minister from the permanent Civil Service.
3. The sorts of work a special adviser may do if their Minister wants it are:
  - i. reviewing papers going to the Minister, drawing attention to any aspect which they think has party political implications, and ensuring that sensitive political points are handled properly. They may give assistance on any aspect of departmental business, and give advice to their Minister when the latter is taking part in party political activities;
  - ii. "devilling" for the Minister, and checking facts and research findings from a party political viewpoint;
  - iii. preparing speculative policy papers which can generate long-term policy thinking within the Department, including policies which reflect the political viewpoint of the Minister's Party;
  - iv. contributing to policy planning within the Department, including ideas which extend the existing range of options available to the Minister with a political viewpoint in mind;
  - v. liaising with the Party, to ensure that the Department's own policy reviews and analysis take full advantage of ideas from the Party, and encouraging presentational activities by the Party which contribute to the Government's and Department's objectives;
  - vi. helping to brief Party MPs and officials on issues of Government policy;
  - vii. liaising with outside interest groups including groups with a political allegiance to assist the Minister's access to their contribution;
  - ~~viii. speechwriting and related research, including adding party political content to material prepared by permanent civil servants;~~
  - ix. representing the views of their Minister to the media including a Party viewpoint, where they have been authorised by the Minister to do so;
  - x. providing expert advice as a specialist in a particular field;

- xi. attending Party functions (although they may not speak publicly at the Party Conference) and maintaining contact with Party members;
- xii. taking part in policy reviews organised by the Party, or officially in conjunction with it, for the purpose of ensuring that those undertaking the review are fully aware of the Government's views and their Minister's thinking and policy.

### **Status and conduct as temporary civil servants**

4. Special advisers are temporary civil servants appointed under Article 3 of the Civil Service Order in Council 1995. They are exempt from the general requirement that civil servants should be appointed on merit and behave with impartiality and objectivity so that they may retain the confidence of future governments of a different political complexion. They are otherwise required to conduct themselves in accordance with the *Civil Service Code*, attached at Annex A. As set out in the *Ministerial Code*, all appointments of special advisers require the prior written approval of the Prime Minister, and no commitments to make such appointments should be entered into in the absence of such approval. Their appointment ends at the end of the Administration which appointed them or when the appointing Minister leaves the Government or moves to another appointment. The responsibility for the management and conduct of special advisers, including discipline, rests with the Minister who made the appointment. It is, of course, also open to the Prime Minister to terminate employment by withdrawing his consent to an individual appointment.

5. Special advisers should conduct themselves with integrity and honesty. They should not deceive or knowingly mislead Parliament or the public. They should not misuse their official position or information acquired in the course of their official duties to further their private interests or the private interests of others. They should not receive benefits of any kind which others might reasonably see as compromising their personal judgement or integrity. They should not without authority disclose official information which has been communicated in confidence in Government or received in confidence from others. The principles of public life set down by the Committee on Standards in Public Life, at Annex B, provide a framework for all public servants.

6. Special advisers should not use official resources for party political activity. They are employed to serve the objectives of the Government and the Department in which they work. It is this which justifies their being paid from public funds and being able to use public resources, and explains why their participation in party politics is carefully limited. They should act in a way which upholds the political impartiality of civil servants and does not conflict with the Civil Service Code. They should avoid anything which might reasonably lead to the criticism that people paid from public funds are being used for party political purposes. The highest standards of conduct are expected of special advisers and, specifically, the preparation or dissemination of inappropriate material or personal attacks has no part to play in the job of being a special adviser as it has no part to play in the conduct of public life. Any special adviser ever found to be disseminating inappropriate material will automatically be dismissed by their appointing Minister.

### **Relations with the Permanent Civil Service**

7. In order to provide effective assistance to Ministers, special advisers should work closely with the ministerial team and with permanent civil servants, and establish relationships of confidence and trust. Special advisers may, on behalf of their Ministers:

- i. convey to officials Ministers' views and work priorities, including on issues of presentation. In doing so, they must take account of civil servants' workloads and any priorities Ministers have set;
- ii. request officials to prepare and provide information and data, including internal analyses and papers;
- iii. hold meetings with officials to discuss the advice being put to Ministers.

But special advisers must not:

- iv. ask civil servants to do anything which is inconsistent with their obligations under the *Civil Service Code*;
- v. behave towards permanent civil servants in a way which would be inconsistent with the standards set by the employing department for conduct generally;
- vi. have responsibility for budgets or involvement in the award of external contracts;
- vii. suppress or supplant the advice being prepared for Ministers by permanent civil servants although they may comment on such advice.

8. Where any permanent civil servant has concerns about any request coming from a special adviser, they should discuss that concern with their line manager, the special adviser concerned, the Minister's Principal Private Secretary or their Permanent Secretary. If a civil servant feels for whatever reason that he or she is unable to do this then they may wish to raise the concern with departmental nominated officer(s) within the department or direct with the Head of the Home Civil Service or the Civil Service Commissioners.

9. In order to enable special advisers to work effectively, departments may allocate permanent civil servants to provide support of a non-political nature. Special advisers should not be involved in issues affecting a permanent civil servant's career such as recruitment, promotion, reward and discipline, though their views may be sought as an input to performance appraisals provided these are written by permanent civil servants.

#### **Contacts with the media**

10. Special advisers are able to represent Ministers' views on Government policy to the media with a degree of political commitment that would not be possible for the permanent Civil Service. Briefing on purely party political matters must be handled by the Party machine.

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11. All contacts with the news media should be authorised by the appointing Minister and be conducted in accordance with the *Guidance on Government Communications*.

12. Special advisers must not take public part in political controversy whether in speeches or letters to the Press, or in books, articles or leaflets; must observe discretion and express comment with moderation, avoiding personal attacks; and would not normally speak in public for their Minister or the Department.



## Relations with the Government Party

13. Special advisers provide assistance to Ministers on the development of Government policy and its presentation. It is in these two areas of activity that Government and Party may overlap.

14. The Civil Service has no monopoly of policy analysis and advice. The Government takes account of views from many sources of which the Government Party is legitimately one. Although public funds and resources must not be used to support the contribution of such views, the Government may need to liaise with the Party, as it does with others, to obtain a full and accurate understanding of the Party's policy analysis and advice.

15. The Government needs to present its policies and achievements to the public in order to aid understanding and so maximise the effectiveness of its policies, and this is a legitimate use of public funds and resources. It would be damaging to the Government's objectives if the Party took a different approach to that of the Government, and the Government therefore needs to liaise with the Party to make sure that Party publicity is factually accurate and consistent with Government policy. To secure this consistency, the Government will also want to make sure that Party MPs and officials are briefed on issues of Government policy.

16. In providing a channel of communication in these areas of overlap, special advisers paid from public funds have a legitimate role in support of the Government's interest, which they can discharge with a degree of party political commitment and association which would not be permissible for a permanent civil servant. In all contacts with the Party, special advisers must observe normal Civil Service rules on confidentiality unless specifically authorised, in a particular instance, by their appointing Minister.

17. Special advisers must not take part in the work of the Party's national organisation. Most special advisers will resign on the announcement of a General Election. Those who remain in office to work on Government business must take special care to ensure that they do not use official resources for Party political purposes or take any active part in the Election campaign.

18. Subject to the rules on involvement in political activities (paragraphs 19 to 23), where a special adviser wishes to undertake work for a political party which does not arise out of Government business they may do this either in their own time, outside office hours, or under a separate contract with the Party, working part-time for the Government (subject to paragraph 17 above). Detailed rules on their involvement in political activities are set out below.

### **Involvement in politics in a private capacity: national political activities**

19. Special advisers must not take part in national political activities, which are: holding, ~~in a party political organisation, office which impinges wholly or mainly on party politics in~~ the field of Parliament, the Scottish Parliament, the National Assembly for Wales, the Northern Ireland Assembly 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, articles or leaflets; being announced publicly as a candidate or prospective candidate for Parliament, the Scottish Parliament, the National Assembly for Wales, the Northern Ireland Assembly or the European Parliament; and canvassing on behalf of a candidate for the institutions or on behalf of a political party.

20. In particular:

- i. before a special adviser is publicly identified as a candidate or prospective candidate for Parliament, the Scottish Parliament, the National Assembly for Wales, the Northern Ireland Assembly or the European Parliament, either by adoption by a political party or in any other way, he/she must first resign their appointment<sup>1</sup>;
- ii. if they wish to take part in a General, European or by-election campaign, or to help in a party headquarters or research unit during such a campaign, they must first resign their appointment. If they wish their appointment to carry on during a campaign, they may continue to give assistance to their Minister as before, but they must be careful not to take any active part in the campaign. They should not, for example, take part in public meetings or accompany their Minister to party political engagements which are related to the Election campaign;
- iii. if, with the approval of their Minister, they wish to assist with other party political matters such as a leadership campaign, they may do so while on paid or unpaid leave or at times which do not interfere with their normal duties, for example, out of office hours.

#### **Involvement in politics in a private capacity: local political activities**

21. With the approval of their Minister, special advisers may undertake, or continue to undertake, all forms of local political activity, but not local activities in support of national politics. They must comply with any conditions laid down by their Department.

22. Local political activities are: 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; and canvassing on behalf of candidates for election to local authorities or a political organisation.

23. If special advisers take part in local political activities, they must at all times observe discretion, take care to express comment with moderation and avoid personal attacks. In particular, if they serve on a local authority they must adhere to the following points:

- i. they should not speak publicly or in the Council, or vote, on matters for which their Minister has responsibility;
- ~~ii. they should not serve on any committee considering such matters;~~
- iii. they should not take part in deputations or other representations to Ministers;

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<sup>1</sup> The Servants of the Crown (Parliamentary, European Assembly and Northern Ireland Assembly Candidature) Order 1987, as amended, states that civil servants (apart from those in the "politically free" group) 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. Therefore, civil servants must resign from the Civil Service on their formal adoption as a Parliamentary candidate or prospective candidate by a political party.

- iv. they should declare an interest in relation to any case or application which comes before the Council in which their Department is involved;
- v. they should observe discretion in relation to policies for which other Ministers are responsible, in order to avoid causing them embarrassment;
- vi. they should not disclose to the Council privileged information obtained in the course of their duties.

### Leaving the Civil Service

24. All civil servants, including special advisers, are subject to the *Rules on the acceptance of outside appointments by Crown servants* (often known as the Business Appointment Rules) for the first two years after leaving office. They are required, in the circumstances set out in the rules, to obtain prior approval to accept an outside appointment. Decisions on applications submitted by special advisers will be taken by the relevant departmental Permanent Secretary, on advice as appropriate from the Advisory Committee on Business Appointments. Detailed rules are set out in Section 4.3 annexes A and B of the *Civil Service Management Code* (<http://www.civilservice.gov.uk/iam/codes/csmc/index.asp>).

25. Civil servants, including special advisers, must not publish or broadcast personal memoirs reflecting their experience in Government, or enter into commitments to do so, while in Crown employment. The permission of the Head of their Department and the Cabinet Secretary must be sought before entering into a contractual commitment to publish such memoirs after leaving the Service. They must submit any manuscripts for comment to the Cabinet Secretary in good time in advance of publication. Detailed rules are set out in Section 4.2 of the *Civil Service Management Code*.

26. Under the terms of the *Civil Service Code*, special advisers should continue to observe their duties of confidentiality after they have left Crown employment.

November 2007  
(as amended April 2009)

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