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Circular 26/2004:- The Civil Service Code of Standards and Behaviour

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9 September 2004

Circular 26/04: The Civil Service Code of Standards and Behaviour

A Dhuine Uasail,

1. I am directed by the Minister for Finance to announce the introduction of the Civil Service Code of Standards and Behaviour. The Code, a copy of which is attached at the appendix, is effective from the date of this circular and forms part of all civil servants' terms and conditions of service. It underpins the existing rules in many areas and introduces new rules governing gifts, hospitality and the acceptance of appointments outside the civil service.

Modernisation

2. Some of the existing Civil Service circulars date back to the early years of the State and, while not superseding the existing circulars, the new Code sets out the main principles, standards and values which the Civil Service wishes to espouse.

Standards in Public Office Act 2001

3. Additionally, Section 10 of the Standards in Public Office Act 2001 requires the Minister for Finance to draw up a code of conduct to guide public service employees. The Civil Service Code of Standards and Behaviour meets the Minister's obligation in respect of civil servants.

The Main Features of the Code

4. The main features of the Code are summarised below.

- Civil servants must be impartial in the performance of their duties.
- Civil servants are not permitted to stand for general or European elections. However, some civil servants (those in the craft and state industrial related grades and those in the clerical grades who have been given permission) are free to engage in political activity and stand for local elections.
- Civil servants must work within the law.
- Under the Freedom of Information Acts 1997 to 2003, members of the public have a legal right to information held by Government departments and other public bodies. However, the requirement under the Official Secrets Act 1963 that civil servants avoid improper disclosure of information gained in the course of their work still applies.
- Civil servants must maintain high standards of service in all of their dealings with the public.
- Civil servants who are convicted of criminal offences, or given the benefit of the Probation Act when tried for a criminal offence, must report that fact to their Personnel Officer.
- Civil servants are required to attend at work as required and comply with the terms of sick leave regulations.
- Civil servants are required to have due regard for public funds and property.

- Civil servants should respect their colleagues and give due regard to their beliefs and values.
 - The use of their official positions by civil servants to benefit themselves or others with whom they have personal or business ties is forbidden. Civil servants are also forbidden to seek to influence decisions on matters relating to their official positions other than through established procedures.
 - Civil servants may not engage in outside business or activity which would in any way conflict with the interests of their Departments / Offices or impair them in carrying out their duties.
 - Civil servants who occupy “designated” positions for the purposes of the Ethics in Public Office Acts have certain statutory obligations in relation to disclosure of interests. These obligations are additional to any obligations imposed by the Code.
 - The receipt of gifts by civil servants from those with whom they have official dealings must be governed by the highest standards. Departments are required to apply the rules contained in the Code on the receipt of gifts or to make local rules deriving therefrom.
 - Within the general framework of guidelines set out in the Code, every care must be taken to ensure that (a) any acceptance of hospitality does not influence, or is not seen to influence, the discharging of official functions and (b) that there are clear and appropriate standards in place which have been notified to all staff in relation to payment for work on behalf of outside bodies.
 - Civil servants must not seek contracts with government departments or offices for supply of goods or services whether for their own benefit or for the benefit of any company with which they may have an involvement in a private capacity.
 - Civil servants who hold positions which are “designated” positions for the purposes of the Ethics in Public Office Acts shall not, within twelve months of resigning or retiring, accept an appointment, or particular consultancy project, where the Civil Servant concerned believes that the nature and terms of such appointment could lead to a conflict of interest or the perception of such, without first obtaining the approval of the Outside Appointments Board (in the case of officers at and above Assistant Secretary level) or senior management (in the case of officers below Assistant Secretary level) as appropriate.
5. The Code, which is available on the Department of Finance’s Personnel Code website at www.codpearsanra.gov.ie, will also be published in a durable booklet format for easy reference. A copy of the booklet will be distributed to all civil servants shortly.
6. A copy of this circular and the appended Code should be given to every civil servant, including every new entrant to the Civil Service on appointment. Each civil servant should return, duly signed and dated, the attached slip acknowledging that he or she has read and noted the contents of this circular and the Code. The slip, when completed, should be placed on the civil servant’s personnel file.

Mise le meas,

John O’Connell
Assistant Secretary

Circular 26/04: The Civil Service Code of Standards and Behaviour

I have read and noted the contents of circular 26/04 and the Civil Service Code of Standards and Behaviour as appended to the circular.

Name in block capitals: _____

Signature: _____

Date: _____

Department / Office: _____

Appendix to Circular 26/04: The Civil Service Code of Standards and Behaviour

*CIVIL SERVICE CODE
OF STANDARDS AND BEHAVIOUR*

September 2004

MISSION OF THE CIVIL SERVICE

The mission of the Civil Service is the achievement of an excellent service for Government and the other institutions of State as well as for the public as citizens and users of public services, based on principles of integrity, impartiality, effectiveness, equity and accountability.

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Summary of the main features of the Code

Introduction

The tradition of the Civil Service has been one of loyal and impartial service for the benefit of the country.

To work in the public service is to work for the common good. The traditional values of the public service - honesty, impartiality and integrity - are about serving this common good. Standards of probity are high and must be maintained. These values must be the basis for the official actions of civil servants.

This Code of Standards and Behaviour for the Irish Civil Service is being introduced in accordance with section 10(3) of the Standards in Public Office Act 2001 “(3) *The Minister shall from time to time draw up codes of conduct for the guidance of persons who hold or occupy directorships or positions of employment in public bodies but before doing so shall consult with the Commission and such persons representative of those persons as he or she considers appropriate.*”. It applies to civil servants of the Government as well as civil servants of the State and is an important pillar of the Delivering Better Government programme. The Human Resources Management Working Group, established under the Strategic Management Initiative, accorded a high priority to the development of a Code of Standards and Behaviour for the Civil Service when it commenced its deliberations. The development of a new Code recognises explicitly that, within the major modernisation programme which is currently underway in the Irish Civil Service, there is a need to restate and promote core public service values so as to marry the best of the old with the new. New systems for providing quality customer service, for devolving responsibility to departments/offices and managers, for managing performance and for using information technology are all posing challenges to existing policies and practices.

Changes to the regulatory environment and new Human Resource Management systems will also have a major impact on the way the Civil Service operates. To get the best from the new ways of doing business, they have to be grounded in a public service ethos which sets out clearly the standards expected and ways in which people will achieve them.

To underpin the change process, an integrated approach to the values, standards and behaviour of civil servants is now being adopted through this Civil Service Code. The Code sets out a clear framework within which civil servants must work. It sets out in a single document the principles which should govern the behaviour of civil servants and the values which the Civil Service espouses.

It builds on the principles set out in “The Ombudsman’s Guide to Standards of Best Practice for Public Servants”. It is not intended to be an exhaustive list of guidelines for all possible eventualities. Individual departments and offices will wish to provide additional guidance as appropriate for their own staff relevant to their own particular circumstances.

PART ONE

The Civil Service Code of Standards and Behaviour An Overview

1. The Code in Context

Civil servants can be justly proud of the high standards of conduct which have characterised their service to the public over many years and enabled them to carry out the mission of the Civil Service. The Civil Service Code of Standards and Behaviour is an important element of the overall framework within which all civil servants are expected to work. It sets out the standards required of civil servants in the discharge of their duties. These standards of behaviour and values will support a high quality public service, based on high levels of personal performance and responsibility.

2. The Requirements of the Code

In the performance of their duties civil servants must:

- (a) Maintain high standards in service delivery by:
 - conscientiously, honestly and impartially serving the Government of the day, the other institutions of State and the public;
 - always acting within the law; and
 - performing their duties with efficiency, diligence and courtesy.

- (b) Observe appropriate behaviour at work by:
 - dealing with the public sympathetically, fairly and promptly; and
 - treating their colleagues with respect.

- (c) Maintain the highest standards of probity by:
 - conducting themselves with honesty, impartiality and integrity;
 - never seeking to use improper influence, in particular, never seeking to use political influence to affect decisions concerning their official positions;
 - abiding by guidelines in respect of offers of gifts or hospitality; and
 - avoiding conflicts of interest.

3. Application of the Code

- 3.1 The provisions of the Code apply to all staff (i.e. established and unestablished civil servants) whether full-time or employed on an atypical basis (e.g. temporary or part-time). They also apply to staff on forms of special leave including career break except where they deal with circumstances which can only arise where the staff member is at work. The requirements in relation to official secrecy will apply to former staff, while requirements in relation to post-retirement/resignation employment will not apply to civil servants who retired prior to promulgation of this Code. Apart from the provisions in relation to civil servants and politics the Code also applies to the posts of
- Government Press Secretary,
 - Deputy Government Press Secretary,
 - Assistant Government Press Secretary,
 - and all Ministerial and Attorney General Private Office staff holding temporary unestablished positions and whose tenure is coterminous with that of the relevant Minister/Attorney General (e.g. personal assistants, special advisors, personal secretaries in offices of Ministers and civilian drivers of Ministers of State).

- 3.2 This Code forms part of the terms of employment of all civil servants who are expected to apply it at all times. **A copy must be given to every staff member on entry to the Civil Service and they will be required to certify in writing that they have received and read it. The Code will be circulated to all existing staff who will be required to sign a similar declaration.** An opportunity should be given to staff to obtain clarification on any aspect of the Code. Staff induction courses will include instruction on the provisions of the Code. Breaches of the Code will constitute a breach of the terms of employment of a civil servant and may result in disciplinary action.

PART TWO

STANDARDS REQUIRED OF CIVIL SERVANTS

The detailed standards required of civil servants in the performance of their official duties are set out in this part of the Code. The Code also details specific requirements placed on certain civil servants following their retirement or resignation.

Standards Underpinning Service Delivery

The standards which underpin the general ethos of the Civil Service are set out below:

4. Impartiality

Civil servants in the performance of their official duties:

- (a) must conscientiously serve the duly elected Government of the day, the other institutions of State and the public;
- (b) must advise and implement policy impartially and, in particular, be conscious of the need to maintain the independence necessary to give any future Minister or Government confidence in their integrity; and
- (c) should not display partiality whether as a result of personal or family ties or otherwise.

5. Civil Servants and Politics

5.1 Restrictions have traditionally been imposed on civil servants engaging in political activity to ensure public confidence in the political impartiality of the Civil Service. This section restates the existing restrictions.

- 5.2 (a) Civil servants are not permitted to seek a nomination or to stand for election to either House of the Oireachtas or to the European Parliament. This restriction applies to all categories of staff. Civil servants above clerical level cannot stand for local election.

- (b) Civil servants in the craft and state industrial related grades are free to engage in politics. Previously, Department of Finance circulars on politics have used terms such as “political matters”, “matters of current political interest”, “political action or position”, “political issues” and “political activity”. For the purposes of this document, the term “politics” is used to cover all of these terms. and may stand for local election. The general restriction in relation to election to either House of the Oireachtas or the European Parliament applies.
- (c) Members of the clerical grades in the Civil Service and non-industrial civil servants in grades with salary maxima equal to or below the Clerical Officer maximum may apply to their Department/Office for permission to engage in politics on the same basis as the staff referred to at (b). Officers employed on particular types of work may, at the discretion of departmental management, have their applications refused. In cases where permission would otherwise be refused, Departments/Offices should examine the possibility of moving an officer to a less sensitive area.
- (d) All civil servants above clerical level are totally debarred from engaging in any form of political activity.

5.3 Civil servants in category (d) may not engage in public debate (e.g. letter writing to newspapers, contributions to television or radio programmes etc.) on politics, except if required to do so as part of their official duties. This is not intended to change existing practice. Civil servants in category (c) may engage in public debate on politics only with the prior permission of their department/office. These provisions do not preclude publication by civil servants of material on public affairs in accordance with statute or where such publication was authorised by the department/office.

5.4 The provisions of Paragraphs 5.1 and 5.2 do not apply to the posts of Government Press Secretary, Deputy Government Press Secretary, Assistant Government Press Secretary, and all Ministerial and Attorney General Private Office staff holding temporary unestablished positions and whose tenure is coterminous with that of the relevant Minister/Attorney General (e.g. personal assistants, special advisors, personal secretaries in offices of Ministers and civilian drivers of Ministers of State).

6. Respect for the law

- 6.1 The work of the Civil Service is carried out within a framework of law. It is the duty of civil servants to respect these legal constraints, in particular:
- never to act in a manner which they know, or suspect, is illegal, improper, or unethical or for which they have no legal authority; and
 - to exercise any discretion conferred by law in a bona fide manner in accordance with the intentions of the statute.
- 6.2 Civil servants who have doubts about the legality of a particular action which they are required to take in the course of their official duties should refer the matter to their superiors whose responsibility it is to issue a direction on the matter, following legal advice where necessary.

7. Disclosure of information

- 7.1 All civil servants should ensure that they deal with queries from members of the public in an open and helpful way. Under the Freedom of Information Acts 1997 and 2003 (FOI Acts), members of the public enjoy a legal right of access to information held by Government departments/offices and other public bodies, subject to certain exemptions defined in the FOI Acts. Arising from the FOI Acts, certain officers are given explicit responsibility for the provision of information to members of the public on foot of requests under the FOI Acts. Civil servants should take particular care to inform themselves about the FOI procedures applying in their departments.
- 7.2 Particular care should be taken to safeguard information concerning the private affairs of members of the public or concerning the commercial affairs of companies or organisations which has been submitted in connection with official business on condition, or on the reasonable assumption, that it would remain confidential. The FOI Acts recognise the importance of protecting such information in the normal course from third party access. Where exceptionally sensitive information of a personal, commercially sensitive or confidential nature is under consideration for release in the public interest, the FOI Acts impose a number of safeguards to ensure the rights of the person(s) concerned are fully respected.

7.3 It remains a requirement under the Official Secrets Act 1963 that all civil servants, including those who are retired or on a career break, avoid improper disclosure of information gained in the course of their official work. For example, disclosure of information would be likely to be improper where a person has not been given responsibility to provide information to the public under the FOI Acts, or is not otherwise authorised to do so.

8. Dealings with the public

8.1 Civil servants should:

- ensure that members of the public have their affairs dealt with sympathetically, efficiently and promptly;
- always give their names to any member of the public with whom they are dealing except where given a special exemption, for example, on security grounds; and
- ensure that members of the public are dealt with in a respectful manner.

8.2 Civil servants should:

- ensure that their standard of dress is appropriate to their work environment;
- show due consideration and respect for the public, their colleagues and the office they hold.

9. Criminal Convictions

A civil servant who is convicted of a criminal offence or given the benefit of the Probation Act when charged with a criminal offence (whether the Probation Act is (i) applied where summary proceedings for an offence are brought, the case is proven and the Court decides not to proceed to conviction or (ii) applied on conviction on indictment of an offence which is punishable by imprisonment and the Court places the convicted person on probation rather than imprison him or her) must report that fact to his or her Personnel Officer. In certain circumstances, this may have implications for his or her official position. Departments and Offices should exercise discretion in dealing with cases in the light all of the merits of each case. In accordance with the Data Protection Acts 1988 and 2003, such information will be treated in strict confidence by departments/offices and no record of it will be kept unless the information is relevant to the official duties being carried out by the officer.

Behaviour at Work

10. Attendance and performance

Civil servants are required:

- to attend at work as required and not to absent themselves from duty without proper authorisation;
- to comply with the terms of the sick leave regulations;
- at all times, to act in a manner consistent with the proper performance of the functions of their Civil Service position and with the maintenance of public confidence in such performance, including refraining from conduct which might impair performance; The Civil Service Employee Assistance Service is available to help staff manage personal difficulties, which if left, might adversely affect their work performance and/or attendance and their quality of life.
- to ensure non-discriminatory language is used in all communications, both internal and external, including display material and documents in electronic form; and
- not to engage in any outside business or occupation during their normal hours of duty (see paragraphs 14 and 18 below concerning business activities outside of normal working hours).

11. Regard for State Resources

11.1 Civil servants should endeavour to ensure the proper, effective, and efficient use of public money.

11.2 Civil servants are required to:

- take proper and reasonable care of public funds and departmental property and not to use them, or permit their use, for unauthorised purposes “De minimis” use of departmental resources, i.e. a use that results in no actual cost to the state, or the cost to the state is so small as to be insignificant or negligible, is permitted.;
- incur no liability on the part of their employer without proper authorisation; and
- ensure that expenses, such as travel and subsistence payments, are not unnecessarily incurred either by themselves or by staff reporting to them.

12. Relations with colleagues

Civil servants should show due respect for their colleagues at work, including their values and beliefs. Civil servants should ensure that their behaviour towards other colleagues is appropriate in the workplace. Civil servants have a legal duty not to discriminate against colleagues on the basis of their gender, race, sexual orientation, membership of the traveller community, disability, age, marital status, family status and religious belief. Civil servants should support a positive working environment by

observing and supporting the Civil Service policy on harassment, sexual harassment and bullying.

Standards of Integrity

13. Improper influence

Civil servants are not allowed to:

- use their official positions to benefit themselves or others with whom they have personal, family, business or other ties;
- seek to influence decisions on matters pertaining to their official positions except through the established procedures (for example, negotiating or grievance procedures) or in such other manner as the Secretary General or Head of Office may approve. In particular, civil servants must not use political influence to affect decisions concerning their official positions. The normal Conciliation and Arbitration and other industrial relations issues apart, civil servants are not allowed to solicit, directly or indirectly, for personal concessions in their favour. Any breach of these rules may render a civil servant liable to disciplinary action.

14. Conflicts of interest

- 14.1 Civil servants may not at any time engage in, or be connected with, any outside business or activity which would in any way conflict with the interests of their departments/offices, or be inconsistent with their official positions, or tend to impair their ability to carry out their duties as civil servants. For this reason, civil servants intending to be engaged in or connected with any outside business or employment should inform their Personnel/Human Resources Management Section of such an intention. Whole-time civil servants whose duties are of a professional character (e.g. doctors, engineers, architects, veterinary surgeons, solicitors, etc.) must not engage in private practice in their professions. Any case in which the propriety of undertaking a particular business or occupation could reasonably be open to question must be referred by the civil servant concerned to the Secretary General or Head of Office.

- 14.2 Civil servants must never seek to use knowledge acquired in the performance, or as a result of, their official duties to benefit themselves, or others with whom they have personal, family or other ties. A civil servant who, in the course of his or her official duties, comes into contact with any matter affecting any commercial undertaking in which he or she has an interest, must immediately disclose the nature and extent of that interest to the Secretary General or Head of Office. Another civil servant should in the normal course, unless the Secretary General or Head of Office considers it unnecessary, be assigned to deal with the matter.
- 14.3 A civil servant who experiences financial difficulties which may compromise, or be reasonably seen by others to compromise, him or her in the performance of his or her duties (e.g., through bankruptcy, or insolvency, or by incurring a significant liability to any person, financial institution or other body with whom he or she has official dealings) must report that fact to the Secretary General or Head of Office. Any such information shall be dealt with in the strictest confidence by the Department/Office and the officer concerned will be offered such assistance as is available (for example through the Employee Assistance Service) to resolve his or her difficulties.
- 14.4 A civil servant is not permitted to make representations on behalf of an outside association or organisation, either as an individual or as a member of a delegation, in relation to matters for which his or her Department/Office has responsibility except with the specific prior consent of the Head of his or her Department/Office.

15. Disclosure of Conflicts of Interest

- 15.1 Civil servants who occupy positions which are "designated positions" for purposes of the Ethics in Public Office Acts 1995 and 2001 (the Ethics Acts) have certain statutory obligations in relation to disclosure of interests. Those obligations are additional to any which apply generally to civil servants under the provisions of this Code. It should be noted that all civil servants are required to observe the provisions of this Code, such as the provisions in relation to the acceptance of gifts, which are more stringent than corresponding statutory provisions.
- 15.2 The positions in the Civil Service which have been designated for the purposes of the Ethics Acts are contained in the Ethics in Public Office (Designated Positions in Public Bodies) Regulations 1996 (S.I. No. 57 of 1996). In summary, established civil

servants at Principal Officer level and upwards are affected by the provisions of the Acts. The Acts also apply to a range of less senior positions (e.g. posts dealing with contracts or in commercially sensitive areas), and to advisors who are appointed personally by Ministers, and who serve as unestablished civil servants for the length of their Minister's tenure of office. Personnel Officers must notify an officer on taking up duty in a designated position of the obligations attaching to that position.

- 15.3 Civil servants should be furnished with a copy of the "Guidelines for Public Servants concerning the steps to be taken by them to assist compliance with the provisions of the Ethics in Public Office Acts 1995 and 2001" published by the Standards in Public Office Commission.

16. Gifts

- 16.1 Civil servants should not receive benefits of any kind from a third party which might reasonably be seen to compromise their personal judgement or integrity. The overriding concern is that the actions of civil servants be above suspicion and not give rise to any actual or potential conflict of interest, and that their dealings with commercial and other interests should bear the closest possible scrutiny.
- 16.2 The receipt of gifts, as distinct from hospitality, by civil servants from those with whom they have official dealings must be governed by the highest standards. The following general guidelines provide a framework within which decisions in this area can be made or local rules formulated. Civil servants must abide by these instructions or the local rules derived from them. Departments/Offices are required to apply these rules on the receipt of gifts or to make local rules derived from them. These local rules should be consistent with the general guidelines contained in this section. For the purposes of these provisions, the term "gift" includes any benefit (other than a benefit dealt with under paragraph 18 of the code) which is given to a civil servant free of charge or at less than its commercial price.
- Subject to any rules which the Secretary General or Head of Office may determine, an officer may accept and retain gifts of modest value (e.g. diaries, pens, etc.). Any gift of more significant value should be refused or, if such refusal would cause offence, should be handed over by the civil servant concerned to his or her Department/Office.

- A gift, other than a gift of modest value, given to a civil servant by virtue of his or her official relationship with the donor or his or her Department's commercial dealings with the donor must be regarded as property of the Department/Office concerned. However, benefits under frequent flier schemes may be retained by individual civil servants in recognition of the fact that official travel is disruptive to personal and family life.
- Particular care should be taken in relation to gifts from donors who stand to derive a personal or commercial benefit from their relationship with the Department/Office concerned.
- Cash, gift cheques or any vouchers that may be exchanged for cash may not be accepted regardless of the amount.
- Civil servants may not solicit gifts, directly or indirectly.
- Civil servants may not approach any business with which they have contact through their official duties seeking sponsorship or support for any club, charitable organisation, association, trade union or other organisation. Heads of Departments/Offices should apply discretion in the application of this rule to instances of very small patronage.
- Civil servants should not accept special facilities or discounts on private purchases from suppliers with whom they have official dealings.

16.3 It should be noted that, under the Prevention of Corruption Acts 1889 to 2001 as amended by the Ethics in Public Office Act 1995, the corrupt giving of gifts to, or receipt of gifts by, civil servants is a criminal offence punishable by imprisonment or fine or both. The Acts provide that money, gifts or other consideration received by a civil servant from a person holding or seeking to obtain a contract from a Government department/office is deemed to have been received corruptly unless the contrary is proved.

17. Hospitality

17.1 It is impossible to lay down definite rules covering the acceptance of hospitality in all circumstances. The overriding concern is that all actions of civil servants in carrying out their official duties be above suspicion and not give rise to any actual or potential conflict of interest, and that their dealings with commercial and other interests should bear the closest possible scrutiny. It is accepted that civil servants should not be put in a position where they cannot accept what are regarded as normal courtesies in business relationships. However, in their contacts with outside organisations or persons, every care must be taken by civil servants to ensure that their acceptance of hospitality does not influence them, and could not reasonably be seen to influence them, in discharging their official functions.

17.2 The following general guidelines provide a framework within which decisions in this area can be made or local rules formulated. Departments/Offices may apply these rules on hospitality or make local rules derived from them.

- All offers of hospitality from commercial interests which have or might have contractual relations with the department/office of the civil servant to whom the offer is made must be reported by that civil servant to his or her manager for direction.
- No objection would normally be made to the acceptance of what is regarded as routine hospitality, for example, a business lunch. What may be regarded as “routine” for this purpose will depend on a number of factors such as the value of the hospitality offered, the frequency of offers, whether there is an element of reciprocity and the general circumstances in which it is offered (for example, whether it is offered by a company to all its customers or is directed at specific or potential customers). Certain types of hospitality (for example involving travelling abroad or holiday weekends) should not be regarded as routine and should always be referred to the superiors of the civil servant for direction. Heads of Departments/Offices are recommended to issue guidelines to their own staff having regard to the offers of hospitality which are commonly made to staff in their departments/offices.
- Civil servants should not accept offers of hospitality which go beyond the routine practices referred to above, except where acceptance of such an offer

can be clearly shown to be in the interest of the Department/Office and has been approved by the manager of the civil servant.

18. Payment for work on behalf of outside bodies

18.1 On occasion civil servants are asked to carry out tasks for which they receive payment or other benefit in kind on behalf of bodies other than their departments/offices, as a consequence of their official positions. While, in many instances, this practice does not give rise to problems, there are certain circumstances where difficulties may arise, such as where the task performed forms part of the official duties of a civil servant or is performed during normal working hours.

18.2 All departments/offices should ensure that they have appropriate standards which have been clearly set out and made known to all staff. The standards should ensure that there is a consistent, appropriate and clear standard applied across a Department/Office in relation to the acceptance of payment or other benefit in kind for work carried out on behalf of other organisations. The following guidelines provide a framework within which decisions in this area can be made or local rules formulated.

- Where because of his or her official position, a civil servant is invited to carry out work on behalf of an outside body, he or she shall notify his or her Personnel Officer in advance and may not seek or retain payment (other than appropriate travel and subsistence expenses) or other benefit in kind where the proposed activity is part of the civil servant's duties. Where a payment is made, it should be surrendered to the Personnel Officer, who will lodge it to the Department/Office's account. Any benefit in kind should be returned to the body in question.
- A civil servant may accept a modest payment or benefit in kind if the task, while work related, is not an integral part of his or her official duties and is carried on outside of normal working hours.
- The question of whether or not a task is an integral part of a civil servant's official duties may normally be determined by reference to the relevant work

programmes. In case of doubt the civil servant should request his or her manager to determine if the task is an integral part of official duties.

- In cases where no payment or other compensation arises a small token gift may be accepted by a civil servant by way of recognition.
- Where a civil servant has any doubts concerning the propriety of accepting any payment or compensation from bodies outside of the Department/Office, the matter should be referred to a manager for determination in accordance with the guidelines outlined above. If a civil servant is unhappy with the decision of a senior officer, he or she may appeal the matter to the Personnel Officer or the Secretary General or Head of Office as appropriate.

19. Contracts with, purchases from or sales to Government Departments/Offices

- 19.1 A civil servant should not seek contracts with Government departments or offices for the supply of goods or services (other than for employment) either for his or her own benefit, or for any partnership or company with which he or she has an involvement in his or her private capacity or on behalf of other persons or organisations.
- 19.2 No department/office should knowingly undertake to contract for the supply of goods or services (other than for employment) with a civil servant or with any partnership or company with which a civil servant has an involvement in his or her private capacity.
- 19.3 No purchase should be made from, and no sale made to, a civil servant, any partnership or company with which a civil servant has an involvement in his or her private capacity in respect of goods or services unless:
- (a) the transaction is such as occurs in the ordinary course of business (e.g. the purchase of Government Supplies Agency publications or of Savings Certificates); or
 - (b) prior sanction has been obtained from the department/office in which the transaction arises, following consultation with the department/office in which the civil servant is serving.

19.4 A civil servant who enters into any undertaking, or who holds any outside interest or participates in any outside business affecting, or likely to affect, a State contract or the purchase or sale of State property must immediately disclose the nature and extent of his or her interest to the Secretary General or Head of Office. A civil servant should not accept a directorship (except as a nominee of a Minister) in any company holding a Government contract or in a company which may reasonably be expected to hold such a contract in future.

19.5 Civil servants shall not negotiate or arbitrate in any matter affecting a Government contract or the purchase from or sale of goods to the State where, in their private capacities, they are interested either as principals or as shareholders in a company being one of the principals in the matter under consideration.

20. Acceptance of outside appointments and of consultancy engagement following resignation or retirement

20.1 The following provisions are designed to foster a culture in which civil servants are fully aware of the potential for conflict of interest in accepting positions outside the Civil Service. It is important to declare to the appropriate authority (see paragraph 20.4) such potential conflicts of interest in order to avoid any suspicion that the advice and decisions of a serving officer might be influenced by the expectation of future employment with a particular firm or organisation. However, it is not the intention to place an unnecessary burden on civil servants in this regard and it is expected that these provisions will not affect the generality of former civil servants joining outside employment.

20.2 Any civil servant intending to be engaged in or connected with (i) any outside business with which he or she had official dealings or (ii) any outside business that might gain an unfair advantage over its competitors by employing him or her must inform the appropriate authority of such an intention. Additionally, civil servants who hold positions which are “designated positions” for purposes of the Ethics Acts shall not, within twelve months of resigning or retiring from the service:

- accept an offer of appointment from an employer outside the Civil Service or
- accept an engagement in a particular consultancy project,

where the nature and terms of such appointment or engagement could lead to a conflict of interest, without first obtaining approval from the appropriate authority as outlined at 20.4. Even where the twelve months moratorium has elapsed, or where for other reasons approval is not required before taking up outside employment, officers must continue to observe the restrictions imposed by the Official Secrets Act 1963 as amended by the Freedom of Information Acts 1997 and 2003. These rules also apply to other persons designated under the Ethics Acts (for example, special advisors who are appointed personally by Ministers) and to officers in grades below the pay level of Principal who, although not serving in a designated post at the time of their retirement/resignation, have served in such a post at any stage during the six months prior to their retirement/resignation. In such cases, the twelve month period in which these rules apply will be reckoned from the officer's last day in the designated post.

- 20.3 In general, departments and offices should monitor the acceptance of outside appointments by civil servants and former civil servants.
- 20.4 Civil servants who (i) intend to be engaged in or connected with any outside business in the manner described at paragraph 20.2 or (ii) who hold "designated positions" (under the Ethics Acts) must make their applications as follows:
- Officers below Assistant Secretary level must apply to the Secretary General or Head of Office in which they are serving, or last served before retirement or resignation;
 - Officers at and above Assistant Secretary level must apply to the Outside Appointments Board.
- 20.5 Applications will be considered by the appropriate authority on the basis of determining whether or not a clear conflict of interest exists. Approval to take up an appointment or accept an engagement may either be unconditional or conditions may be attached.
- 20.6 Where a Secretary General or Head of Office attaches conditions to taking up an appointment, the civil servant concerned may refer the decision to the Outside Appointments Board for review.

20.7 The Secretary General or Head of Office and the Minister for Finance reserve the right to take appropriate action in the event that the provisions of this section are not complied with.

21. Outside Appointments Board

21.1 This Board, established by the Minister for Finance, will consist of the Secretary General, Public Service Management and Development, in the Department of Finance, the Secretary General to the Government, and three other members, who will not be civil servants or former civil servants, one of whom will act as Chairman. The Board will, from time to time, outline the detailed basis on which applications will be assessed and how the decisions of the Board may be appealed.

21.2 The Chairman of the Board shall report annually to Government, through the Minister for Finance, on the performance of the Board, and may from time to time, as he or she thinks fit, submit other reports on the Board's functions.

Summary of the main features of the Code

- Civil servants must be impartial in the performance of their duties. [Section 4]
- Civil servants are not permitted to stand for general or European elections. However, civil servants in the craft and state industrial related grades are free to engage in political activity and stand for local elections. [Section 5]
- Civil servants must respect the constraints of the law. [Section 6]
- Under the Freedom of Information Acts 1997 to 2003, members of the public have a legal right to information held by Government departments and other public bodies. However, the requirement under the Official Secrets Act 1963 that civil servants avoid improper disclosure of information gained in the course of their work still applies. [Section 7]
- Civil servants must maintain high standards of service in all of their dealings with the public. [Section 8]
- Civil servants who are convicted of criminal offences, or given the benefit of the Probation Act when tried for a criminal offence, must report that fact to his or her Personnel Officer. [Section 9]
- Civil servants are required to attend at work as required and comply with the terms of sick leave regulations. [Section 10]
- Civil servants are required to have due regard for State resources to ensure proper, effective and efficient use of public money. [Section 11]
- Civil servants should show due respect to their colleagues including their beliefs and values. [Section 12]
- The use of their official positions by civil servants to benefit themselves or others with whom they have personal or business ties is not allowed. Civil servants are also forbidden to seek to influence decisions on matters pertaining to their official positions other than through established procedures. [Section 13]
- Civil servants may not engage in outside business or activity which would in any way conflict with the interests of their departments/offices. [Section 14]
- Civil servants who occupy “designated” positions for the purposes of the Ethics in Public Office Acts have certain statutory obligations in relation to disclosure of interests. These obligations are additional to any obligations imposed by the Code. [Section 15]

- Civil servants should not receive benefits of any kind from a third party which might reasonably be seen to compromise their personal judgement or integrity. Departments are required to apply the rules contained in the Code on the receipt of gifts or to make local rules deriving therefrom. [Section 16]
- The same principle applies to any acceptance of hospitality. Within the general framework of guidelines set out in the Code, every care must be taken to ensure that (a) any acceptance of hospitality does not influence, or is seen to influence, the discharging of official functions [Section 17] and (b) that there are clear and appropriate standards in place which have been notified to all staff in relation to payment for work on behalf of outside bodies. [Section 18]
- Civil servants must not seek contracts with government departments or offices for supply of goods or services whether for their own benefit or for the benefit of any company with which they may have an involvement in a private capacity. [Section 19]
- Civil servants shall not accept an appointment, or particular consultancy project, where the Civil Servant concerned believes that the nature and terms of such appointment could lead to a conflict of interest or the perception of such, without first obtaining the approval of the Outside Appointments Board or the Secretary General or Head of Office as appropriate. Additionally, civil servants who hold positions which are “designated” positions for the purposes of the Ethics in Public Office Acts must, within twelve months of resigning or retiring, obtain the approval of the Outside Appointments Board or the Secretary General or Head of Office as appropriate before taking up any outside appointment. [Sections 20 and 21]