

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.

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 appointment¹;
- 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;

¹ 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.

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(as amended April 2009)