



CODE OF CONDUCT FOR SPECIAL ADVISERS

**Cabinet Office
October 2015**

CODE OF CONDUCT FOR SPECIAL ADVISERS

This Code applies to special advisers working in the UK Government

1. Special advisers are a critical part of the team supporting Ministers. They add 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 should be fully integrated into the functioning of government. They are part of the team working closely alongside civil servants to deliver Ministers' priorities. They can also 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 appointed to serve the Prime Minister and the Government as a whole, not just their appointing Minister.

Role

3. In order to provide effective assistance to Ministers, special advisers should work closely with the ministerial team and with other civil servants, and establish mutual relationships of confidence and trust. Among other things, special advisers may:
 - give assistance on any aspect of departmental business, and give advice (including expert advice as a specialist in a particular field);
 - undertake long term policy thinking and contribute to policy planning within the Department;
 - write speeches and undertake related research, including adding party political content to material prepared by permanent civil servants;
 - liaise with the Party, briefing party representatives and parliamentarians on issues of government policy;
 - represent the views of their Minister to the media (including a party viewpoint), where they have been authorised by the Minister to do so; and
 - liaise with outside interest groups (including those with a political allegiance).
4. In working with other civil servants, special advisers can, on behalf of their Minister:
 - convey to officials Ministers' views, instructions and priorities, including on issues of presentation. In doing so, they must take account of any priorities Ministers have set;
 - request officials to prepare and provide information and data, including internal analyses and papers;
 - hold meetings with officials to discuss the advice being put to Ministers; and
 - review and comment on – but not suppress or supplant – advice being prepared for Ministers by civil servants.
5. But special advisers must not:
 - ask civil servants to do anything which is inconsistent with their obligations under the *Civil Service Code* or behave in a way which would be inconsistent with standards set by their employing department;
 - authorise expenditure of public funds or have responsibility for budgets;

- exercise any power in relation to the management of any part of the Civil Service, except in relation to another special adviser; or
- otherwise exercise any statutory or prerogative power.

6. In order to enable special advisers to work effectively, departments should allocate civil servants to provide support of a non-political nature. Special advisers are able to give direction to such civil servants in relation to their day-to-day work for them, and their views should be sought as an input to performance appraisals on the basis that these are written by other civil servants. However, special advisers should not be involved in the line management of civil servants or in matters affecting a civil servant's career such as recruitment, promotion, reward and discipline, or have access to personnel files of civil servants.

7. Special advisers are not entitled to have access to sensitive, security or intelligence reports unless cleared to the appropriate level. Subject to this exception and the one mentioned above in relation to personnel files, special advisers may, at the discretion of their appointing Minister, have access to all papers submitted to Ministers, subject to the convention on access to papers of a previous Administration.

Status and conduct

8. Special advisers are temporary civil servants appointed in accordance with Part 1 of the *Constitutional Reform and Governance Act 2010*. Special advisers are bound by the standards of integrity and honesty required of all civil servants as set out in the *Civil Service Code*. However, they are exempt from the general requirement that civil servants should be appointed on merit and behave with impartiality and objectivity, or that they need to 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.

9. As set out in the *Constitutional Reform and Governance Act 2010* and 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 also the appointing Minister's responsibility to ensure that their special adviser(s) adhere to this Code of Conduct. It is, of course, also open to the Prime Minister to terminate employment by withdrawing his consent to an individual appointment at any time.

10. Special advisers should act in a way which upholds the political impartiality of other civil servants. They should not use official resources for party political activity. They are employed to serve the objectives of the Prime Minister, the Government and the Minister(s) for whom they work.

11. Special advisers should not disclose official information which has been communicated in confidence in government or received in confidence from others. 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 found to be disseminating inappropriate material will be subject to a disciplinary process that may include dismissal.

Contacts with the media

12. Special advisers, when authorised, are able to represent Ministers' views on government policy to the media with a degree of political commitment that would not be possible for other civil servants. However, briefing on purely party political matters must be handled by the Party machine. Special advisers have a duty to work with No 10 to ensure the proper coordination of announcements, media appearances and other interviews, articles and interventions made by their Minister.

13. All contacts with the media should be authorised by the appointing Minister and be conducted in accordance with the Government Communication Service's *Propriety Guidance - Guidance on Government Communications*.

14. Special advisers must not take public part in political controversy, through any form of statement whether in speeches or letters to the press, or in books, social media, articles or leaflets. They must observe discretion and express comment with moderation, avoiding personal attacks, and would not normally speak in public for their Minister or the Department.

Transparency

15. Special advisers are required to declare details of gifts and hospitality received in accordance with the rules set out in their departmental staff handbooks. Departments will publish, on a quarterly basis, information about gifts and hospitality received by their departmental special advisers and details of special advisers' meetings with newspaper and other media proprietors, editors and senior executives. Information will be published annually about the number and cost of special advisers.

Involvement in politics in a private capacity: national political activities

16. 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. They may not use annual or unpaid leave for this purpose.

17. Special advisers are exempt from the *Civil Service Code* requirement of political impartiality. Therefore, their involvement in political activity does not need to be restricted in the same way as it is for other civil servants.

18. In particular:

- i. with the approval of their Minister and the Prime Minister, a special adviser may be publicly identified as a candidate or prospective candidate for the United Kingdom Parliament. Special advisers who become parliamentary candidates must carry out this new role in their own time, outside office hours, or work part-time for the Government with their government salary reduced commensurately. Special advisers may not use annual or unpaid leave to carry out this role. In addition, a special adviser must also refrain in government from any involvement in matters concerning his/her prospective constituency, and they must resign as a special adviser at the start of the short campaign period ahead of the election. Special advisers who resign in these circumstances are not entitled to receive a severance payment;

- ii. if a special adviser wishes to take part in an election or by-election campaign, he/she is able to do so in their own time and out of office hours. They may not use annual or unpaid leave for this purpose;
- iii. with the agreement of the Prime Minister, special advisers can remain in post during the General Election campaign period. Those who remain in post to work on government business must ensure that they do not use official resources for party political purposes and that any participation in the campaign is in a special adviser's own time and outside office hours. Special advisers may not use annual or unpaid leave for this purpose; and
- iv. special advisers are able to attend party functions, for example the Party Conference.

The above provisions also apply in relation to candidature to the devolved Parliaments and Assemblies, and the European Parliament.

Involvement in politics in a private capacity: local political activities

19. With the approval of their Minister, special advisers may undertake, or continue to undertake, all forms of local political activity. They must comply with any conditions laid down by their Minister or the Prime Minister.

20. 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 direct 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;
- 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; and
- vi. they should not disclose to the Council privileged information obtained in the course of their duties.

Leaving the Civil Service

21. Special advisers are subject to the *Business Appointment Rules for Civil Servants*. Under the Rules, they are required to submit an application to the Head of their former Department for a new appointment or employment they wish to take up after leaving the Civil Service. This requirement applies to special advisers of equivalent

standing to the Senior Civil Service for two years after leaving the Civil Service, and to other special advisers for one year.

22. Applications from special advisers of equivalent standing to Director General and above are referred to the *Advisory Committee on Business Appointments*. Decisions on these applications are taken by the head of the former Department based on the Advisory Committee's advice. The target timescale for completion of this process is 20 working days. Applications from other special advisers are handled within the relevant former Department, and the head of the former Department makes the decision on the application. A special adviser who is unhappy with the decision may appeal to the Lead Non-Executive Director of their former Department. The full *Business Appointment Rules for Civil Servants* are set out in Section 4.3 of the *Civil Service Management Code*.

23. 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 former Department and the Cabinet Secretary must be sought before publishing, or entering into a contractual commitment to publish such memoirs after leaving the Civil Service. They must submit any draft manuscripts for comment to the head of their former Department and 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*. Separately, they should send a copy of the draft manuscript to the Prime Minister's Chief of Staff in post at the time of their employment.

24. Special advisers must continue to observe their duties of confidentiality after they have left their employment as a special adviser.

THE CIVIL SERVICE CODE

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.¹ It supports the government of the day in developing and implementing its policies, and in delivering public services. Civil servants are accountable to ministers², who in turn are accountable to Parliament.³
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.

¹Civil servants working for the Scottish and Welsh Governments, 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.

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

³Civil 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 code⁴ 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

6. Integrity

You must:

- fulfil your duties and obligations responsibly;
- always act in a way that is professional⁵ and that deserves and retains the confidence of all those with whom you have dealings;⁶
- 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;
- ensure you have Ministerial authorisation for any contact with the media⁷;
- 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;

⁴The respective responsibilities placed on ministers and special advisers in relation to the civil service are set out in their codes of conduct. Special advisers are also covered by this Civil Service code except, in recognition of their specific role, the requirements for objectivity and impartiality.

⁵Including taking account of ethical standards governing particular professions.

⁶Including a particular recognition of the importance of co-operation and mutual respect between civil servants working for the UK government and the devolved administrations and vice-versa.

⁷The 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.

- 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).

8. Honesty

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.

10. Objectivity

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.

12. Impartiality

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.

14. Political Impartiality

You must:

- serve the government⁸, 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.

⁸Some civil servants are accountable to the office holder in charge of their organisation. This is made clear in terms and conditions of employment.

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.
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 procedures⁹, and do not receive what you consider to be a reasonable response, you may report the matter to the Civil Service Commission.¹⁰ The commission will also consider taking a complaint direct. Its address is:

Civil Service Commission
G/8
1 Horse Guards Road
London
SW1A 2HQ

Tel: 0207 271 0831

Email: info@csc.gov.uk

⁹The 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.

¹⁰The Civil Service Commission's *Guide to bringing a complaint* gives more information. It is available on the Civil Service Commission website.

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.