

DSR 1: Diplomatic Service Code

1. The statutory basis for the management of the Diplomatic Service is set out in Part 1 of the Constitutional Reform and Governance Act 2010.

2. The Diplomatic Service is an integral and key part of the government of the United Kingdom. It supports the Government of the day in developing and implementing its policies, and in delivering public services. Members of the Diplomatic Service, like all civil servants, are accountable to Ministers, who in turn are accountable to Parliament.

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 Diplomatic 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 Diplomatic Service does. This in turn helps the Diplomatic Service to gain and retain the respect of Ministers, Parliament, the public and its customers.

5. This Code sets out the standards of behaviour expected of you. These are based on the core values which are set out in legislation.

Standards of behaviour

Integrity

6. You must:

- fulfil your duties and obligations responsibly;
- always act in a way that is professional and that deserves and retains the confidence of all those with whom you have dealings;
- 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;

- 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 Diplomatic 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, 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. The FCO 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, the FCO 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 one of the FCO'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 in FCO HR Raising Concerns policy (the whistle blowing legislation (the Public Interest Disclosure Act 1998) may also apply in some circumstances), and do not receive what you consider to be a reasonable response, you may report the matter to the Civil Service Commission. The Commission will also consider taking a complaint direct. Its address is:

Civil Service Commission, G/8, 1 Horse Guards Road, London SW1A 2HQ
 email: info@csc.gsi.gov.uk
 website: www.civilservicecommission.independent.gov.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 Diplomatic 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.

DSR 2: General Principles of Conduct

1. You are expected at all times to respect the law. Against that background the following general principles govern your conduct as a member of the Diplomatic Service. They draw on standards expressed in the Diplomatic Service Code of Ethics at DSR1:

- as a servant of the Crown you owe a duty of loyalty to the Crown as your employer. Since constitutionally the Crown acts on the advice of Ministers, who are answerable for their departments and agencies in Parliament, this duty is owed to the duly constituted Government;
- you must not seek to frustrate the policies, decisions or actions of the Government. You must not take part in any political or public activity which compromises, or might be seen to compromise, your impartial service to the Government of the day. You must give honest and impartial advice to Ministers and must not deceive or knowingly mislead Ministers, Parliament or the public;
- you must give your undivided allegiance to the State on all occasions when the State has a claim on your services;
- you must not misuse your official position or information acquired in the course of your official duties to further your private interests or those of others, nor act so as to create a reasonable suspicion that you have done so;
- you must not accept benefits of any kind from a third party which might compromise your personal judgement or integrity or give reasonable grounds for others to suppose you had been compromised;
- you must ensure the proper, effective and efficient use of public money and ensure the safety of public assets;
- you must deal with the affairs of the public sympathetically, efficiently, promptly and without bias or maladministration;
- you must treat your colleagues with respect. You must not subject any member of staff to harassment, bullying or victimisation on any grounds, including sex, race, disability, sexual orientation, religion, philosophical belief, marital status, or age;
- you must not subordinate your duty to your private interests. You must not engage in any occupation or undertaking which might conflict with the interests of the Diplomatic Service or be inconsistent with your position as a member of it. Should a potential conflict of interest arise, you must declare your interest to senior management, who will determine how best to proceed;
- you must abide by the FCO's security requirements, by health and safety requirements and by the various Codes of Practice that may govern specific areas of your work;
- you must not fall short of the professional standard expected of members of the Diplomatic Service nor act in any way which might bring discredit upon it;
- your behaviour, action or inaction must not significantly disrupt or damage the performance or reputation of the Diplomatic Service.

2. Guidance governing certain specific activities is contained in individual Diplomatic Service Regulations (e.g. relating to gifts, political activities). It is not possible to cover every activity. In circumstances not specifically mentioned you should use your discretion in accordance with the above principles and follow the guidance set out at paragraphs 6-15 of DSR1, seeking advice from your managers or HRDirect or FCO Services: HR Policy if you are in doubt.

DSR 3: Immunity

1. The Vienna Conventions on Diplomatic Relations (VCDR) and on Consular Relations (VCCR) are the legal framework under which privileges and immunities are conferred on staff while they are serving overseas.

2. Staff accredited with diplomatic status are entitled to immunity from the criminal and (with certain limited exceptions) from the civil and administrative jurisdiction of the host country. Staff accredited with Administrative and Technical (A&T) status are entitled to immunity from the criminal jurisdiction of the receiving State at all times and from civil and administrative jurisdiction in relation to acts carried out in the course of their duties. Staff accredited with consular status are entitled to immunity from the criminal and (with certain limited exceptions) from the civil and administrative jurisdiction of the receiving State in relation to acts carried out in the course of their duties. The immunity entitled to dependants of staff will vary according to their status.

3. The purpose of immunity is not to benefit individuals but to ensure the efficient functioning of the Diplomatic or Consular Post. Privileges and immunities must not be abused and staff must respect the laws and regulations of the receiving State. Staff must maintain a reputation for a high standard of behaviour. Ministers take this requirement very seriously and expect the highest standards of conduct from foreign Diplomats and Consuls in London and from British diplomats and Consuls, their families and partners, overseas.

4. Non-Diplomatic Service staff may be accredited at Post if their duties require it in order to meet Post's objectives. It should not be assumed that the status attaches to the position (ie each new incumbent will need to resubmit a request to the Head of Mission). The Head of Mission is responsible for agreeing status for non-DS officers, including British Council officials, at Post. HRD's Immunity Policy Officer will continue to be responsible for overall policy on all issues concerning accreditation and immunity. Staff formally on loan or on secondment to the DS are treated as DS staff for immunity purposes.

5. Immunity belongs to the sending State not individuals, and in certain circumstances the receiving State may request that immunity be waived.

Waiving immunity

6. Posts must notify HRD's Immunity Policy Officer via HR Direct (UK) immediately of any situation under which a waiver of immunity might arise e.g.

- if there is a possibility of a criminal charge being laid against a member of staff, spouse, partner or family member;
- if a member of staff, spouse, partner or family member might be called as a witness in criminal proceedings;
- any issue of immunity arising in civil proceedings.

7. Any request for a waiver of immunity should be made by the Ministry of Foreign Affairs of the host country to the Post. Posts do not have authority to waive immunity and must not give any commitment to do so without the agreement of HRD's Immunity Policy Officer. .

8. Spouses, partners and family members who take employment outside the Post automatically waive their right to immunity from civil and administrative jurisdiction in respect of that employment.

Maintaining immunity

9. HMG's general policy is that immunity should not be unreasonably maintained. The practice is that all staff are expected to answer to any criminal or civil charge brought against them. In some countries this may present practical or political problems, and so decisions about the waiving or claiming of immunity may only be taken after consultation with HRD's Immunity Policy Officer. In making any decision we need to consider whether:

- local laws are alien to British ideas of justice
- there are doubts about the impartiality or efficiency of local judicial procedures
- the alleged offence appears to have been contrived by the receiving State for political or other reasons
- there are valid security reasons (e.g. if the officer was privy to sensitive information which may be put in jeopardy through imprisonment or intensive police questions)
- the functioning of the Mission would be seriously impeded.

10. For further information on accreditation and status please contact HR Direct (UK).

DSR 4: Gifts, Advantages and Hospitality

Principles

1. It is an offence under the Bribery Act 2010 for you to ask for, agree to receive and/or accept a financial (money) or other advantage as a reward for:

- i. Deliberately carrying out (or not carrying out) your official duties properly
- ii. Causing someone else to carry out (or not carry out) their official duties properly.

Even if you haven't received any money/advantage at the time when you carry out your duties improperly, you may still be guilty of an offence if your actions were carried out in anticipation of receiving a financial or other advantage.

2. This Diplomatic Service Regulation defines the standards of conduct the Foreign and Commonwealth Office requires of their staff with regards Gifts, Advantages and Hospitality, ensuring that these fully reflect the Civil Service Code, incorporating any additional rules necessary to reflect local needs and circumstances. In particular, under this Regulation it is an offence for you to accept benefits of any kind from a third party which might compromise your personal judgement or integrity or give reasonable grounds for others to suppose you had been compromised. You should report immediately to your Head of Department or Head of Post any offer of an inducement of any kind that may be made to you.

3. Full policy guidance is set out in Gifts, Advantages and Hospitality on the FCO intranet, with which all officers should familiarise themselves.

Personal, family and household

4. In general you may not accept gifts, advantages or hospitality, whether in the form of money, goods, services, free passage, subsidised travel or other benefits from anyone or any organisation with whom you are in contact by virtue of your official position or with whom you have had, or are likely to have, dealings in your official capacity. You must ensure that your spouse or partner, children and, so far as is practicable, other members of your family or members of your household do not do so either. If you have any reason to suppose that a family or household member has accepted such a gift, advantage or hospitality, you must report the matter immediately to senior management.

5. If you are involved in purchasing or project management you must also comply with CPG's Ethics in Procurement.

Exceptions

6. The preceding section does not apply to the acceptance of any gift, advantage or hospitality where it falls into any of the following categories:

- a. where it is an isolated gift of insignificant value (e.g. a modest bottle of wine, calendars, diaries etc), or perishable nature (e.g. flowers, chocolates etc);
- b. a bona fide gift of appropriate value from an official contact who is also a personal friend or relative. The value of the benefit should not be disproportionate to the nature of the relationship;
- c. in the form of a reduction in the price of goods or services allowed generally to members of the Diplomatic Service/Public Service by virtue of that membership;
- d. a gift made collectively by colleagues to mark an appropriate occasion such as marriage, departure from Post/Department or retirement;
- e. in the form of private or official hospitality or entertainment given on an appropriate occasion in appropriate surroundings and of an appropriate value;
- f. very limited cases for official purposes of offers of free passage, subject to prior approval via HR Direct (UK), or use of Air Miles and similar benefits, as set out in Gifts, Advantages & Hospitality;
- g. received in circumstances in which it cannot be refused without detriment to the public interest.

Acceptance and recording of gifts, advantages and hospitality

7. Flowcharts are available in Gifts, Advantages & Hospitality to assist over whether to accept, as well as next steps and options should you do so. Whether accepted or declined, you must record offers on all occasions in your Post's/Directorate's Gifts, Advantages and Hospitality Register, unless they are of an insignificant value/perishable nature as set out above.

Propriety

8. If, in any circumstance, you have any doubt about the propriety of accepting a gift, advantage or hospitality (especially if you feel it has been of excessive or disproportionate value) you must report and seek advice on the matter immediately from your Line Manager or Head of Department/Directorate/Post.

DSR 5: Confidentiality and Official Information

5.1. Members of the Diplomatic Service are reminded on appointment, retirement or resignation that they are bound by the provisions of the criminal law, including the Official Secrets Acts, which protect certain categories of official information, and by their duty of confidentiality owed to the Crown as their former employer.

Standards of conduct for serving members of the Diplomatic Service

5.2. Members of the Diplomatic Service must handle information as openly as possible within the legal framework. Government policy in this area is available via the website of the Ministry of Justice. Members of the Diplomatic Service must not, without relevant authorisation, disclose official information which has been communicated in confidence within Government or received in confidence from others. It is an individual's responsibility to ensure that any action which may require authorisation is properly authorised in advance.

5.3. Members of the Diplomatic Service must continue to observe this duty of confidentiality after they have left the Diplomatic Service. See sections 5.15 to 5.19.

5.4. Members of the Diplomatic Service must not take part in any activities or make any public statement which might involve the disclosure of official information or draw upon experience gained in their official capacity without the prior approval of their Head of Department or Head of Post. They must clear in advance material for publication, broadcasts or other public discussion which draws on official information or experience. Members of the Diplomatic Service should not accept payment for speeches, books, magazine articles etc written in an official capacity.

5.5. The same standards of conduct apply to participation in social media and online activity. See further guidance on blogging on public websites.

5.6. Members of the Diplomatic Service must not seek to frustrate the policies or decisions of Ministers by the use or disclosure outside the Government of any information to which they have had access as a member of the Diplomatic Service.

5.7. Members of the Diplomatic Service must not publish or broadcast personal memoirs reflecting their experience in Government, or enter into commitments to do so, whilst in Crown employment. The permission of the Permanent Under-Secretary must be sought before entering into a contractual commitment to publish such memoirs after leaving the Service.

5.8. Proposed memoirs should be submitted in good time before any proposed publication date. In reviewing information for publication, the FCO will have regard to whether the information could cause damage to international relations; national security or to the confidential relationships between Ministers, and between Ministers and officials.

5.9. Members of the Diplomatic Service who are appointed to sensitive posts will, as a condition of taking up such a post, be taken to have assigned to the Crown copyright in any future work which relates to their employment and/or which contains or relies upon official information which came into their knowledge or possession by virtue of their employment as a member of the Diplomatic Service. Where permission to publish the work (or parts of it) is provided by the Permanent Under-Secretary, the Crown will reassign copyright in the relevant part of the work. In addition, information may also be subject to Crown copyright (see sections 5.20 to 5.24).

Access to papers of a previous Administration

5.10. In discharging your duties as a member of the Diplomatic Service you must maintain the long-standing conventions that Ministers and special advisers may not normally have access to papers of a previous Administration of a different political complexion. Further guidance is set out in the Cabinet Office publication *The Directory of Civil Service Guidance*.

Surveys and research projects

5.11. Members of the Diplomatic Service must not take part in their official capacities in surveys or research projects, even if they are not attributed, if they deal with attitudes or opinions on political matters or matters of policy.

Trade Union representatives

5.12. Members of the Diplomatic Service who are elected national, departmental or branch representatives or officers of a recognised trade union need not seek permission before publicising union views on an official matter which, because it directly affects the conditions of service of members of the union as employees, is of legitimate concern to their members, unless their official duties are directly concerned with the matter in question. In all other circumstances they must conform to the standards set out above.

Activities of spouses and partners

5.13. Spouses/Partners, unless serving officers themselves, are under no obligation to submit their own memoirs. However, where a publication or other public intervention by your spouse or partner is liable to be interpreted as politically sensitive and therefore detrimental to your own position or more widely to the FCO, you are advised to seek guidance from the Head of Knowledge Management Department (KMD).

Leaked Select Committee Reports

5.14. Members of the Diplomatic Service in receipt of a leaked Select Committee report must not make any use of it nor circulate it further. They must return the report without delay to the Clerk of the relevant Committee, and only then may they inform their Ministers or Assembly Secretaries. Leaked reports from Committees of the devolved legislatures must be handled in the same way.

Standards of conduct for former members of the Diplomatic Service

5.15. The FCO welcomes debate on foreign policy and former members of the Diplomatic Service are regular contributors to that debate. The FCO recognises that there is a public interest in allowing former officials to write accounts of their time in government. These contributions can help public understanding and debate. It follows therefore that there is no ban on former members of the Diplomatic Service writing their memoirs or engaging in public debate, but obligations of confidentiality remain after staff have left the Diplomatic Service. The rules below are in place to offer guidance and to balance the public interest.

5.16. The FCO relies on former officials to exercise their good sense and professional judgement about how much they can say publicly for example in interviews, lectures or debates, without the need to consult the FCO.

5.17. The key principles to take into account are that when engaging in public dialogue whether in written or oral form, you should not:

- prejudice national security;
- damage international relations;
- be destructive of the confidential relationship between ministers and officials.

In addition, the FCO has a duty of care to both current and former members of staff who are named in a manuscript in such a way as to cause offence and/or distress.

5.18. To that end any memoir or part thereof, by retired members of the FCO that draws on official information or the writer's own experience in a way which might conflict with the principles above must be submitted to the FCO for comment. You can be assured that all such material will be processed without undue delay.

5.19. The FCO is always willing to provide guidance and assistance in this area. If in doubt please contact the Head of Knowledge Management Department.

Crown copyright

5.20. Under the Copyright, Designs and Patents Act 1988, works made by members of the Diplomatic Service in the course of their official duties are subject to Crown copyright protection. The responsibility for the management and licensing of Crown copyright rests with the Controller of Her Majesty's Stationery Office (HMSO) in her capacity as Queen's Printer for works produced by UK Government departments, Northern Ireland departments and the National Assembly for Wales.

5.21. Members of the Diplomatic Service must obtain the prior approval of the Head of Knowledge Management before entering into any arrangements regarding the publication or dissemination of any Crown copyright protected material by private sector publishers or information providers. Such arrangements would usually be the subject of specific licensing, to be handled The National Archives. This would not apply in the following circumstances:

- a. where material is to be published in learned journals or in the proceedings of conferences or seminars;

- b. where the material in question is to be published in an official, authorised work specifically on behalf of the originating department or agency.

5.22. Crown copyright is not an issue when a member of the Diplomatic Service produces a copyright work unconnected with their official duties and entirely in their own time. If, however, the work in question is linked to their official duties, they should in the first instance consult the Head of Information Management Department, who in turn may need to consult OPSI. Under these circumstances, the following factors need to be taken into account:

- a. whether the Member of the Diplomatic Service produced the work during official time;
- b. whether the work is based on existing Crown copyright source documents; and
- c. whether there are security considerations.

5.23. If a member of the Diplomatic Service writes a book in their own time, which is unrelated to their official duties, but wishes to incorporate extracts of Crown copyright protected material within the work, permission to reproduce the material should be obtained from The National Archives. It is customary in such cases for the licence to be granted in favour of the publisher rather than the author, as it is the publisher which is reproducing the material. It is permissible for the author to submit the application on the publisher's behalf. Where an individual is on secondment outside the Diplomatic Service, copyright in any work which they produce during the term of their secondment will usually rest with the host organisation. This should be covered within the terms of the secondment.

5.24. If you have further questions concerning copyright procedures please refer them to the Head of Knowledge Management Department.

DSR 6: Data Protection Act, Freedom of Information Act and Environmental Information Regulations

1. The FCO is required to comply with three different but inter-linked regimes, which govern public access to official information. Knowledge Management Department is responsible for ensuring compliance by the FCO.

Data Protection Act (1998)

2. The Data Protection Act (DPA) obliges the FCO to give people copies, on request and subject to certain conditions, of information held about them (subject to certain exemptions). It also requires personal data

- to be stored securely
- to be used only for purposes notified annually to the Information Commissioner; and
- not to be disclosed to third parties unless certain conditions are met;
- should not be destroyed without good reason during the course of a request.

Destruction or alteration of material to which the requester is entitled with the intention of preventing disclosure can be a criminal offence. It is the responsibility of individual members of staff to comply with the Act.

These obligations mean that care should be taken when drafting, amending, storing, sharing and deleting personal information.

Further information on how to comply with a subject access request (SAR) under the Data Protection Act is set out in our guidance on the Data Protection Act (1998): How to handle subject access requests.

Freedom of Information Act (2000)

3. The Freedom of Information (FOI) Act places a statutory obligation on the FCO to disclose, subject to the application of various exemptions, any official information (except personal data, which is governed by the DPA, and environmental information, which is covered by the EIRs) requested by any person of any nationality anywhere for any purpose. Information should not be destroyed without good reason during the course of a request. Destruction or alteration of material to which the requester is entitled with the intention of preventing disclosure can be an offence.

Special considerations apply to Parliamentary Questions because of parliamentary privilege. Parliamentary Questions (PQs) should **not** be dealt with as FOI requests, nor should draft answers quote the Act directly, but decisions on what can be legitimately withheld should be based on the FOI Act and the answer should be drafted using the spirit and the general language of the FOI Act exemptions.

More information is available on the Knowledge and Technology Directorate's Freedom of Information pages on FCO intranet.

Environmental Information Regulations (2004)

4. Environmental Information Regulations (EIRs) govern public access to environmental information (broadly defined) held by the FCO. Destruction or alteration of material to which the requester is entitled with the intention of preventing disclosure can be an offence.

Guidance on the EIRs is available from Knowledge Management Department and on the website of the Department for Environment, Food and Rural Affairs (Environmental Protection/Public Access to Environmental Information/Environmental Information Regulations).

You can find more information on how the FCO handles EIRs on Knowledge and Technology Directorate's Environmental Information Regulations guidance.

Releasing information and the Official Secrets Acts 1911, 1920 and 1989

5. There is no conflict between the Official Secrets Acts and any of the above-mentioned access regimes: the Official Secrets Acts set penalties for the unauthorised disclosure of information while the Data Protection Act, FOI Act and EIRs govern the authorised release of information.

Role of the OGLO

6. If in doubt, you should contact your department or Post Open Government Liaison Officer (OGLO). Your OGLO should be your first point of contact for advice on all the open government regimes, including compliance with the legislation and handling procedures for access requests.

DSR 7: Recruitment and Appointments (External)

Recruitment

1. Recruitment to the Diplomatic Service is carried out in accordance with the provisions of the Constitutional Reform and Governance Act 2010 and the Civil Service Commission's Recruitment Principles. Selection is required to be made on merit on the basis of fair and open competition, except for certain appointments listed in Section 10 of the Act.

Appointments (External)

2. The Constitutional Reform and Governance Act 2010 enables the Secretary of State to make some exception to the principle selection on merit on the basis of fair and open competition. These exceptions include the appointment of an external candidate (who is not a DS Officer) as a Head of Mission or Governor of an overseas territory. There are also a number of exceptions set out in the Civil Service Commission's Recruitment Principles.

3. These special appointees become members of the DS and are governed by the Terms and Conditions of Employment of the DS, including pay. Their appointment is only for the duration of a tour of duty in the specific Post for which they have been appointed.

4. Special advisers are recruited in accordance with the terms of Section 15 of the Constitutional Reform and Governance Act 2010. DSR9 provides further information on special advisers.

DSR 8: Global Mobility Obligation

1. As a member of the Diplomatic Service you are subject to a global mobility obligation. This means that you must be prepared to go to any appropriate post in the UK or overseas to which you are appointed. When appointments are made, the FCO will, as far as possible, take account of your preferences and personal circumstances, but the most important factor in any decision will be the operational needs of the FCO. See DSR 15. You may also be appointed temporarily to a position outside the Diplomatic Service.

2. If you are appointed to a Post and then ask to be withdrawn from it, whether before or after arriving at Post, and before the natural end of your tour of duty, you should carefully consider your ability to meet the global mobility obligation within the Diplomatic Service. The circumstances of your

withdrawal will be taken into account but premature withdrawal from a posting may result in you incurring financial penalties, and options for future jobs may be restricted.

DSR 9: Special Advisers

1. The activities and terms of service of Special Advisers are governed by the Constitutional Reform and Governance Act 2010 and by the Special Advisers' Code of Conduct. With the exception of up to three appointments in No10, the Constitutional Reform and Governance Act and the Code of Conduct restrict Special Advisers to an advisory role. The Code of Conduct sets out their duties and responsibilities. It makes clear that Special Advisers must act in a way which upholds the political impartiality of members of the Diplomatic Service and does not conflict with the Diplomatic Service Code (see DSR 1). It also lists the sorts of work a Special Adviser may do at the request of their Minister. The Civil Service Management Code (CSMC) recognises that in order to do their jobs effectively and assist Ministers in the handling of Government business, Special Advisers may, on behalf of their Ministers, convey Ministers' views and work priorities and commission members of the Diplomatic Service to prepare internal papers and analysis. The Special Advisers' code is available on the Cabinet Office website.

2. Where a member of the Diplomatic Service has concerns about any request coming from a Special Adviser they should discuss their concern with the Special Adviser or their line manager or the PUS. If a member of the Diplomatic Service feels unable to do this then they may raise the matter directly with the Secretary of the Cabinet at the Cabinet Office or with the Civil Service Commissioners.

3. Special Advisers are appointed on contracts in accordance with Chapter 1, Section 15 of the Constitutional Reform and Governance Act 2010. The contract finishes at the end of the Government of the day, or when the appointing Minister leaves the Government or moves to another appointment or when there is a general election. Once appointed, Special Advisers are not members of the Diplomatic Service but are Crown servants who owe duties of loyalty and confidentiality to the Crown and are subject to the Official Secrets Acts 1911 and 1989.

DSR 10: Diversity and Equal Opportunities

1. The FCO aims to create and sustain a culture which values and actively supports diversity. This includes creating and maintaining an inclusive environment in which all staff have the opportunity to fulfil their potential: making the best use of the talents, skills, backgrounds and experiences of all its staff makes the FCO a more effective and productive organisation.

2. Against this background, it is clear that the FCO demands the highest standards of behaviour from its staff. Bullying in any form is unacceptable. No member of staff should be exposed to harassment, bullying or victimisation on any grounds, including sex, race, disability, sexual orientation, religion, philosophical belief, marital status or age.

3. Further information on the FCO's policy in respect of diversity and equal opportunities see the Diversity and Equality guidance pages in the Human Resources area on intranet.

DSR 11: Marriage, Civil partners, Officially Registered Partners and Family Status

1. If you intend to marry, or enter into a civil partnership, you must notify Personnel Security Team, Estates and Security Directorate (ESD) or FCO Services: HR policy. Partners who are accepted as “established partners” receive the same benefits and allowances as spouses. If you wish to register your partner to become an officially recognised partner you should complete a partner declaration form and submit it to HRD or FCO Services HR Policy. Further details are set out in the guidance on Registered Partners or Qualifying Dependants. You must notify Estates and Security Directorate or FCO Services: HR Policy of any change in your family status, i.e. divorce, annulment, bereavement, separation (with or without a court order), births and adoption.

2. Marriage, civil partnership or having a partner, does not annul or qualify the duty you have under your global mobility obligation (see DSR 8) to serve at any post in the UK or overseas to which you may be appointed. Further information about postings obligations is set out on Intranet at Human Resources > Appointments, Recruitment and Jobs.

3. You should be aware that not all host governments will grant visas or diplomatic status to non-British dependants. There may also be security constraints. Your spouse or partner’s nationality could therefore limit the choice of Departments or Posts to which you may be assigned. In certain cases foreign spouses or partners of members of staff might be advised to apply for naturalisation as British citizens before going on a posting.

4. The FCO seeks to encourage spouses and partners of FCO officers subject to the global mobility obligation to take British nationality. Spouses or partners of officers subject to the global mobility obligation, may be refunded the Home Office fees, for Naturalisation and Registration. The application should be made after naturalisation/registration has been granted. Only naturalisations granted after 1 April 2008 are eligible to be reimbursed. Officers should contact for HR Direct for authority, supplying a copy of the certificate and receipts and confirming that they are subject to the global mobility obligation. If approved, HR Directorate will send Management Officers the Prism charging instructions.

DSR 12: Health and Welfare

The FCO Healthcare Scheme

1. Members of staff who fill substantive slots in Posts overseas or who are travelling overseas as part of their UK-based duties are covered by the FCO Healthcare Scheme, which is designed to offer a broadly equivalent level of health care to that available through the National Health Service. Members of staff on short trips are covered only for emergency treatment. Dependants accompanying members of staff on substantive tours overseas are also covered. All members of staff and any accompanying dependants are subject to medical clearance before they can be covered by the scheme, either by means of a questionnaire or by medical examination. Full details are set out on the Health and Welfare pages.

Health and Safety

2. The health and safety of our staff and contractors is the highest corporate priority for the FCO Board and the FCO Health and Safety Policy Statement outlines FCO's commitment to effective health and safety management. Overall responsibility for health and safety in the FCO at home and abroad lies with the PUS and the FCO Board. But managers at all levels, including at post, have individual responsibilities.

In the UK, health and safety is governed by statutes such as the Health and Safety at Work etc Act 1974 and these are strictly enforced by the UK Health and Safety Executive. It is important to note that Crown Immunity does not apply for health and safety offences. There is also a common law duty of care which operates in parallel to these statutory requirements.

3. The legal situation overseas is more complex; however the general principles are:

- Our responsibilities in the UK are well defined
- UK law does not apply in the Overseas network
- But we do have a duty of care in the network
- The duty of care will be met if posts adhere to FCO health and safety standards
- Local law may be higher than FCO standards, in which case local standards should be adopted

The policy for H&S responsibilities and requirements overseas can be found on the Health and Safety pages.

4. The FCO recognises the civil service trade unions that represent all staff and encourages full participation in health and safety matters. Regular health and safety committees, forums and meetings ensure appropriate communication, consultation and monitoring of health and safety compliance and a safe working environment.

5. Full details of FCO health and safety policies, procedures and implementation in the FCO and at Posts can be found on the Health and Safety pages.

DSR 13: Probation

Conditions of Appointment

1. Appointments to the Diplomatic Service are subject to a period of probation.

2. If your attendance, performance or conduct during probation is unsatisfactory you are likely to have your appointment terminated on or before expiry of the probationary period.

3. Probation is not a formality to be treated lightly: it is important both for the Diplomatic Service and for you that no appointment should be confirmed if it seems doubtful that you would have a satisfactory career in the Service. In determining this, your attendance record will be taken into account. Annual leave and sick leave with pay up to certain limits are included in calculating the period of probation i.e. they do not extend the period of probation. Special leave without pay is not included in calculating the period of probation i.e. it does extend the period of probation.

4. If you are appointed to the Diplomatic Service on an established basis, your appointment cannot be confirmed until your probation has been completed to the satisfaction of the FCO. This will be detailed in your letter of appointment. Former members of the Diplomatic Service who are reinstated or re-employed as substantive civil servants after a period of five years or more will be required to serve another period of probation. You will also be required to serve a period of probation if you are re-employed at a band higher than that at which you left the FCO.

Confirmation of appointment

5. Upon successful completion of your probation your appointment will be confirmed.

Termination of appointment

6. An unsatisfactory performance during your probation would normally result, at the conclusion of the period, in a decision by HR Directorate or FCO Services: HR Policy that your appointment should be terminated. An appointment may also be terminated before expiry of the period of probation if it is clear that you would not reach the required standard by the end of it.

DSR 14: Performance Management: Appraisals, Core Competence Framework and Assessment

Appraisals

1. Regular appraisal is central to the FCO's management of all its staff, to its system of performance assessment for all staff and to the selection process for jobs. Staff need to know what they are expected to do, how they are doing and how they could do better. All staff are entitled to fair, honest and timely performance appraisals. An individual's appraisal affects his/her pay and career. All staff should read carefully the Guidance on Performance Management.

2. You must be appraised annually in accordance with the fixed reporting cycle for your Band on the relevant staff appraisal form. Your line manager is normally the person to whom you work directly. Your Countersigning Officer (often the person to whom your line manager works directly) is responsible for quality control and monitoring appraisal standards, including making sure your appraisal is completed on time.

3. The appraisal comments on your achievement of objectives, overall performance, core competence profile and development. Each appraisal must be written afresh without reference to earlier reports or appraisals. Your performance must be formally reviewed at least once during the appraisal period and the discussion recorded on the appraisal form.

4. If you are not performing effectively, you and your line manager has a responsibility to tackle this. This is important both to help you improve and to help with team performance and morale. The Procedures for Managing Poor Performance have been separated from the appraisal process to allow

for prompt and speedy action. These procedures do not apply to probationers.

5. If you are not happy with your appraisal you can appeal on the grounds of non compliance with procedures or against the content. Information on appeals is set out in the Appraisal Guidance.

Core Competence Framework

6. The FCO reviews its Core Competence Framework regularly to ensure that it reflects the behaviours required by staff to meet the objectives and challenges facing the FCO. In the current Framework there are separate Core Competences for each Band. For each competence there is an overall definition supported by detailed performance indicators designed to help staff to demonstrate the behaviour and standards of performance required at each level.

Assessment

7. The FCO operates a written assessment scheme for progression from A1 to A2 and four promotion schemes based on its Core Competence Framework: the From A to B (FAB) Promotion Scheme, the Band B-C ADC, the Accelerated Promotion Scheme (from A/B to C), the Band C-D ADC and the Band D-SMS ADC. See also DSR 15.

Further details of the appraisal process and the assessment systems are set out in Guidance.

DSR 15: Appointments (Internal), Promotions and Progression

NB This chapter will be revised, once the Promotion Review has been completed

Appointments (Internal)

1. Internal appointments in the FCO are normally made by individual line managers after a process of sifting and interviewing candidates following internal advertisement (or advertisement internally and to Whitehall simultaneously). In some very limited circumstances, HR may place a member of staff into a suitable job appropriate to their skills. All appointments are subject to ESD security clearance.

2. Further details are set out in FCO Intranet Guidance on internal appointments. See also DSR7 and DSR8 for recruitment and appointments (external) and mobility.

Promotions

3. Promotion is the move from a lower pay Band to a higher pay Band. To be substantively promoted you must have a recommendation for promotion (see below) and be appointed to a job in a higher pay Band. The promotion (and relevant pay and associated allowances) only become effective once you take up the new job (i.e. not during pre-posting training).

A recommendation for promotion is based on merit as follows:

- Band A to Band B: successful performance in the Band A-B Promotion Scheme. See DSR 14
- Band B to Band C: successful performance in a Band B-C Assessment & Development Centre;
- Band C to Band D: successful performance in a Band C-D Assessment and Development Centre;
- Band D to SMS: successful performance in a Band D – SMS Assessment & Development Centre.

Progression

4. Progression occurs when you move substantively to a higher grade job **within** a pay Band. A1 staff must have a recommendation for progression in order to move substantively from A1 to A2 (see A1-A2 progression).

5. You can progress to a higher grade job within Bands A, C and D. Progression occurs between the following grades: A1-A2, C4-C5, D6-D7.

6. The progression and relevant pay and allowance increases are only triggered when you take up the new job in the higher grade (i.e. not during pre-posting training). Further details are set out in the FCO Intranet Guidance on progression.

Queries/Appeals

7. If you have a query about an appointment, assessment, promotion, progression or the selection process you should first consult the FCO Intranet Guidance on promotion and progression. If the answer to your query is not available there, you should contact HRDirect or FCO Services: HRDirect setting out the query and they will either answer it directly or, if it is complex, pass it to the relevant policy team in HR Directorate or FCO Services: HR Policy.

DSR 16: Language Training, Examinations and Allowances

1. Competence in foreign languages is an essential tool of diplomacy. All members of the Diplomatic Service are expected to learn the principal language of the country to which they are posted to at

least Confidence Level - and higher if required by their job specification - and are encouraged to maintain linguistic skills once acquired. To meet this aim, the Diplomatic Service provides language training, sets examinations and pays allowances, where appropriate, to those successful in those exams. Spouses and registered partners posted overseas, are entitled to language training in the principal language of the country to which they are posted.

2. Full details of entitlements to language training, eligibility to sit exams and payment of allowances are set out in FCO Intranet Guidance on language training.

DSR 17: Hours of Attendance

In the UK

1. Full-time conditioned hours of work which are currently 41 hours for London (including Croydon) for staff employed before 1 January 2014 and 42 hours elsewhere (including Hanslope Park, Milton Keynes and Wilton Park) and for those employed after 1 January 2014. Those conditioned hours include a one-hour meal break on any full working day. Part-time staff have their hours calculated on a pro-rata basis dependant on their location.

2. If you are full-time, your normal working week is five days but the FCO may, for operational reasons, require you to work outside your normal working hours. If this happens, the time worked when averaged out should equal your appropriate conditioned hours.

3. The FCO fully supports and encourages flexible working practices (e.g. variable hours, part-time working, job-sharing, compressed hours, nine-day fortnights) for all staff and agrees such requests whenever practicable. Details of the flexible working schemes and how to apply are set out in the flexible, part-time and remote working guidance.

Overseas

4. There are no conditioned hours overseas. Each Post has official hours of opening which form the conditioned hours of that Post for locally employed staff and staff on Home Civil Service terms. For Diplomatic Service staff there is an "all hours liability" under which you may be called upon to work additional hours as needed. No addition is payable for any overtime worked at Post. Where excessive hours are worked every effort will be made to allow time off in lieu (TOIL). TOIL may not be carried forward from a posting nor added to leave taken outside the country of posting. Further details on the rules concerning TOIL and on the Working Time Regulations (WTR) 1998 are set out in the TOIL policy guidance (TOIL) and the hours of work guidance (WTR).

DSR 18: Leave

1. Annual leave is an earned entitlement. It is important for morale, health and good management reasons that leave is taken within the year in which it is earned. Details of the strict limits set on carrying leave forward in the UK are set out in the leave guidance. Overseas, when an accumulation of leave is operationally unavoidable and certified as such by Post management, CSC Leave Enquiries must be consulted for approval. Limited special arrangements apply and are set out in the guidance on Leave.

2. Annual and other leave entitlements are set out in the Leave guidance.

3. Full details of leave arrangements in the UK, including what constitutes leave, its granting, calculation, recording and anticipation, are set out in the guidance on leave for staff in the UK. Equivalent details in relation to leave overseas are set out in the guidance on leave for staff overseas.

DSR 19: Remuneration

1. Pay arrangements for staff in the Delegated Grades (i.e. in Bands A-D) are set annually under delegation within a pay remit granted by HM Treasury. Negotiations with the DS Trade Union Side covering a period of more than one year may sometimes result in a multi-year pay deal. Pay arrangements for the SMS are made within limits set by the Government after taking account of recommendations of the Senior Salaries Review Body. Further details are set out in the guidance on pay policy.

2. Generalist appointments start on the minimum of the relevant salary scale. Specialist appointments may be started on a salary above the minimum at the discretion of HRD by reference to market benchmarking data supplied by the Cabinet Office. For SMS posts authorisation is required from the Cabinet Office for payment of starting salaries above certain levels.

3. In year performance related payment schemes may be in place. Further details of the schemes and how to make recommendations under them are set out in the guidance on bonus schemes and performance related pay.

4. If staff in the Delegated Grades serving in the UK are called upon to work in excess of conditioned hours, they may be eligible for overtime if they have not taken time off in lieu (TOIL). They may claim for travel time when travelling on official duty. Full details of these allowances are set out in the guidance on Overtime, Travel Time and Time off in Lieu (TOIL).

5. In certain circumstances other allowances are payable. In the UK these include Subsistence, Motor Mileage Allowance, Continuity of Education Allowance (CEA), Shift Disturbance Allowance, London Location Allowance and Housing Assistance/Relocation Payments. Overseas these include Cost of Living Addition (COLA), Diplomatic Service Allowance (DSA), Overseas Leave Addition, Overseas Subsistence, Overseas Motor Mileage Allowance (OMMA), Direct Entertainment Expenditure (DEE), Representational Requirements (RR), financial arrangements for local education of children, and CEA. Full details of these allowances and the circumstances in which they may be claimed are set out in the guidance on Allowances and Expenses.

DSR 20: Expenses

1. Various work-related expenses may be payable to you in respect of expenditure incurred in the course of your official duties.

From the 1st January 2010 reimbursement of travel expenses will be based on actual receipted expenditure rather than Subsistence. All expenses a member of staff incurs must be defensible as reasonable, and stand-up to internal and external challenge. Each member of staff involved in generating or approving an expense claim has a responsibility to ensure all expenditure is reasonable and acceptable to public scrutiny; in accordance with FCO and local guidance. Allowable expenses include:

- travel
- the cost of meals plus a reasonable level of refreshments (both alcoholic and non alcoholic) with it; and
- refreshments (e.g. tea, coffee or soft drinks taken between meals)
- taxis;
- and some incidental overnight expenses

2. How do I know what is regarded as reasonable?

Staff are advised to consult the Geographical Expenditure Guide in advance of any official business trip. This gives information on likely reasonable costs in other parts of the world as well as in the UK. Managers can also consult this when reviewing expense claims. Current FCO Guidance for expense claims in the UK and Overseas can be found in the travel expenses guidance.

Direct Entertainment Expenditure

3. DEE is only available overseas and reimburses staff for expenditure on official entertainment. The events must be attributable to achieving Post's aims and objectives.

Representational Requirements

4. RR is only available overseas and reimburses staff for expenditure on childcare, domestic help, household goods/toiletries, gifts/flowers to hosts or official contacts plus other minor costs. The costs must be attributable to achieving Post's aims and objectives.

DSR 21: Transfer Grants and Life Insurance

Transfer grants

1. A transfer grant is a tax-free lump sum paid to staff on substantive posting from the UK to an overseas Post, or from one overseas Post to another, or from an overseas Post to the UK. It is intended

to compensate for the additional expenses which arise in moving house but are not covered by other allowances. Rates vary according to grade and family circumstances.

2. Full details of transfer grants are set out in the guidance on transfer grants.

Life insurance: refund of additional premiums

3. Staff may claim a refund of additional premiums on life insurance imposed because of their travel and work overseas. Payment is limited to policies with a capital sum valued at not more than four times the maximum of the salary scale for the individual's pay band. Details are set out in the personal insurances guidance.

DSR 22: Overseas Allowances

1. Overseas allowances are paid to compensate for the necessary additional expenditure associated with living and working overseas. Full details are set out in the overseas allowances content.

Cost of Living Addition (COLA)

2. COLA compensates staff for the additional cost of maintaining a standard of living comparable to the UK. Rates take into account salary and family circumstances. COLA may be zero at Posts where the cost of living is less than in the UK. Full details are set out in the COLA guidance.

Diplomatic Service Compensation Allowance (DSCA)

3. DSCA compensates staff for the additional expenditure arising from the global mobility obligation, the inability of spouses or partners to build up full pension rights owing to interruption of their careers, maintenance of quality of life at hardship Posts and indirectly from representational duties. Full details are set out in the DCSA guidance.

DSR 23: Education of Children

Continuity of Education Allowance (CEA)

1. CEA is paid to provide continuity of education for children of staff subject to a global mobility obligation. It is payable to cover school fees for children attending English language boarding schools teaching the British Curriculum in the UK or overseas and for children attending foreign language, American or International day schools in the UK. Details of CEA are set out in the CEA policy guidance.

Education at Posts overseas

2. Where no suitable free schooling is available overseas, day school fees are payable to enable children who are living at Post with the member of staff to attend schools on the Post's authorised list. Fees can only be paid for tuition or school activities which would be provided free in the state education system of the UK. Details of these provisions are set out in Children at Post – Attending School and Nursery School Overseas.

DSR 24: Home Service Allowances

1. The following Home Service allowances may be payable to members of staff subject to a global mobility obligation. They are designed to compensate members of staff who may be at a disadvantage when seeking accommodation in the UK because of their frequent overseas jobs. They are not ordinarily available to members of the Home Civil Service cadre.

Housing assistance

2. Housing assistance includes an interest-free advance of salary for house purchase, a refund of legal expenses involved in house purchase or rental, Diplomatic Service Purchase Allowance (DSPA), Diplomatic Service Rent Allowance (DSRA) and Temporary Accommodation Allowance (TAA). Full details of these allowances are set out in the guidance on the Diplomatic Service Housing Assistance Scheme.

Reimbursement of expenses arising from the Rent Acts

3. Expenses arising from the Rent Acts are reimbursable to members of staff who let their primary property for rental while they are serving overseas. Details are set out in the guidance on the Diplomatic Service Housing Assistance Scheme.

DSR 25: Dispute Resolution Procedure

1. The FCO recognises that despite its best endeavours there will be occasions when members of staff may have concerns about their work, working conditions or relationships with colleagues that they wish to talk about with management informally or formally. The dispute resolution procedure is intended to ensure that members of staff have a fair, accessible and straightforward mechanism for dispute resolution.

2. The procedure is not intended as a substitute for staff raising matters of concern with their line manager on an informal basis. It is often the case that early management action, intervention and/or

mediation will quickly and satisfactorily resolve issues without the need for recourse to the formal stages of the grievance procedure.

3. Issues which may give rise to a grievance include:

- claims of apparent unfairness;
- terms and conditions of employment;
- health and safety;
- relationships at work;
- new working practices;
- organisational change;
- the working environment;
- interpretation or implementation of policies;
- actions which the staff member believes may contravene the Dignity at Work Policy, including bullying and harassment (see Respect Toolkit).

DSR 26: Security

1. The FCO and its staff are vulnerable to a wide range of security threats including from terrorist and criminal violence, espionage and IT attack. The FCO has a duty of care to protect its staff. All members of staff have a key role to play in their own protection and that of their colleagues. The provision of proper security to protect life, information, assets and reputation is thus a collective effort to which all staff are required to contribute. Serious breaches of agreed security standards could provide grounds for prosecution, dismissal from Government service, withdrawal or limitation of security clearance or other operational or disciplinary measures.

Security clearance and vetting

2. It is Government policy that all individuals working in positions involving access to, knowledge of or custody of sensitive government assets should have appropriate levels of security clearance. For all members of the Diplomatic Service, the level of security clearance required is Developed Vetting (DV). All members of the Diplomatic Service are accordingly required to hold a current DV certificate.

3. Your initial DV clearance will have been issued as a result of enquiries begun before you joined the Diplomatic Service and is subject to review and renewal on a regular basis. As part of the review and renewal of your security clearance you will be required to complete security questionnaires. These should be completed as quickly as possible. You and your line manager should also complete the respective parts of an annual Security Appraisal Form (XQV 50). Failure to maintain a current security clearance will affect postability.

4. You are required to notify the Personnel Security Team (PST), Estates and Security Directorate (ESD) immediately of the following:

- i. a change in personal circumstances which may have a bearing on your security clearance and postability, e.g. if you have married, have a new partner or if someone else lives with you in shared accommodation e.g. a lodger or live-in employee;

- ii. social and official contact with a national from a country of security concern that may appear in any way suspicious or unusual;
- iii. a sexual relationship with a national from a country of security concern (even if this is casual); and
- iv. plans to travel privately to countries of security concern*. Written agreement is required before firm travel arrangements are made.

5. The FCO may withdraw your DV clearance at any time if it is decided that your trustworthiness or reliability are in doubt. It is not possible to list all the circumstances or grounds on which such a decision might be made. The Cabinet Office Security Policy Framework sets out factors which might be taken into account when assessing your vulnerability to pressure from foreign intelligence services, terrorist groups or others, and your ability to manage such pressure:

- i. character, poor conduct (including negligent activity which exposes staff to risk unnecessarily), and lack of integrity;
- ii. serious financial difficulties;
- iii. excessive use of alcohol;
- iv. use of illegal drugs;
- v. unusual or promiscuous sexual behaviour which creates vulnerability;
- vi. poor security breach record (see FCO Guidance Security Volume 2, Chapter 19 - this volume is classified); and
- vii. ideology.

Each case will be considered carefully on a risk management basis and dealt with on its merits. Removal of security clearance can happen in exceptional circumstances. Pro-active and transparent management of potential security issues can usually avoid any such drastic step. If officers think they may potentially be vulnerable in any of these risk areas they should consult their line managers, their Departmental Security Co-ordinator or Post Security Officer overseas, or the Personnel Security Team in ESD direct.

Appeal against withdrawal of clearance

6. If your DV clearance is withdrawn the reasons will be explained to you in writing. You will have the right of appeal to the PUS. This right must be exercised within 30 working days. If you are dissatisfied with the outcome, you will have the right of appeal to the independent Security Vetting Appeals Panel. Unless an appeal is upheld and your DV certificate restored, it may not be possible for you to continue as a member of the Diplomatic Service. In any eventuality, HRDirect or FCO Services: HR Policy can advise you of your rights and the relevant procedures.

Safe custody of official information, material and equipment

7. You are personally responsible for the safeguarding of all official information in your possession, custody or knowledge. You are similarly responsible for safeguarding all official protectively-marked material and equipment in your possession or custody. This includes access, using the IT equipment in your possession, to official, protectively marked information held on IT systems as well as access to the physical asset itself. The rules for the protection of material and equipment are laid down in FCO Guidance Security Volume 1 (Home Security) for staff serving in the UK and in FCO Guidance Security Volume 2 (Overseas Security) and Post Security Instructions for staff serving overseas. It is your

responsibility to familiarise yourself with these instructions. Disregard of them or negligence in the possession, custody, disposal or handling of official information, material or equipment or improper communication of information, or failure to return official material or equipment if required, are disciplinary offences. See DSR 27 on Misconduct.

8. On ceasing to be a member of the Diplomatic Service you should ensure that all official papers and other material in your possession, whether protectively marked or not, are left in the custody of your line manager. You must return any ICT equipment in your possession to your DSC/PSO.

9. You may not bequeath official material, nor confer on executors or legatees the right to read or otherwise have access to it. You must make arrangements so that in the event of your death any material or equipment which might come under the provisions of this Regulation is returned to the FCO.

Official Secrets Acts and the duties of loyalty and confidentiality

10. As a member of the Diplomatic Service you, in common with all other Crown servants, owe duties of loyalty and confidentiality to the Crown. Constitutionally, the Crown acts on the advice of Ministers who are answerable for their departments and agencies in Parliament. These duties are therefore owed, for all practical purposes, to the Government of the day. The scope of these duties is set out below. If you are in any doubt about them, you should consult a senior officer.

11. Crown servants, including members of the Diplomatic Service, and former Crown servants, are bound by the provisions of the criminal law which protect certain categories of information. You should, in particular, be aware of, and acquaint yourself with, the provisions of the Official Secrets Acts 1911 and 1989. These Acts apply not only during your employment but also when you have left the Service, either on retirement or for other reasons. The main provisions of the 1989 Act, which replaced Section 2 of the 1911 Act and came into force on 1 March 1990, are summarised in Annexes within FCO Guidance Security Volume 1 (Annex 2B) and FCO Guidance Security Volume 2 (Annex 4D). Section 1 of the 1911 Act, which sets out the penalties for spying, remains unamended and in force.

12. There are a number of other statutes which attach criminal sanctions to the disclosure of certain kinds of official information. Many of these relate to information received or gathered under a statutory framework for official purposes. You should consult Estates and Security Directorate if you have any doubts or queries about specific information which you receive in the course of your duties.

13. You also owe to the Crown, as your employer, a duty of confidentiality. Whether or not the criminal law applies, it is your duty to protect official information which is held in confidence, either because it has been communicated in confidence within the Government or because it has been received in confidence from others and no decision has been taken to lift the restriction. This duty of confidentiality continues after you have left Crown service. All FCO communications may be monitored to ensure the security of its staff, information, assets and reputation.

DSR 27: Misconduct

1. The misconduct procedure governs processes to be followed if it is alleged that by your behaviour you have committed a disciplinary offence.
2. DSR 2 sets out the general principles which should govern your conduct as a member of the Diplomatic Service. Failure to follow these principles is likely to lead to disciplinary action. Other Regulations govern conduct in specific matters. See more detailed guidance on conduct.
3. Any allegation of misconduct made against you should be investigated as fully as possible by your line manager or by another member of staff appointed for the purpose before disciplinary procedures are invoked. If the investigation shows that there is a case for you to answer, the formal Misconduct Procedure starts at the relevant stage (the stages are set out in guidance). You will be required to attend a disciplinary interview or, in cases of alleged gross misconduct, a hearing before a senior member of staff or a disciplinary panel. You are entitled to appeal against any penalty imposed at any stage of the procedure. You have a statutory right to be accompanied at any disciplinary interview or hearing by a work colleague or a trade union representative.
4. If it appears that a criminal offence may have been committed, HR Directorate will normally seek the advice of the Crown Prosecution Service on whether or not criminal proceedings should be instigated. If a case is referred to the Crown Prosecution Service or if criminal proceedings are already under way, disciplinary proceedings under this Regulation may be suspended but will not necessarily be so, until the criminal proceedings are concluded.

DSR 28: Criminal Proceedings

1. If you are arrested for any reason you must report this immediately. In the UK, you must report the matter to your line manager and HRD Management Advisory Service (MAS) or to FCO Services: HR Policy, whom you must ensure is kept informed of further developments in the matter, whether or not criminal charges are brought. Overseas, on a full or temporary posting or on other official business, you must report it to your line manager and the DHM or Head of Post, who will notify HRDirect, HRD Management Advisory Service (MAS) or FCO Services: HR Policy.
2. The only exception to this rule is that there is no need to report an arrest in the UK for a traffic offence while driving a private vehicle where there is no suggestion of driving under the influence of alcohol or drugs. An arrest for such an offence must still be reported if you are overseas or if you were driving an official vehicle or if you are subsequently charged with an offence for which the penalty may include imprisonment or disqualification from driving.
3. If you are charged with a criminal offence you may be suspended from duty. Any disciplinary proceedings connected with the alleged offence may be suspended until the criminal proceedings are concluded, but will not necessarily be so. See DSR 27 on misconduct. During suspension, your pay may be withheld wholly or in part at the discretion of the Chief Operating Officer (COO) or of any other SMS officer to whom the Chief Operating Officer (COO) has delegated powers under this Regulation. If your suspension is subsequently lifted and your employment continues, your pay will be resumed.

DSR 29: Bankruptcy and Insolvency

1. If you become bankrupt or insolvent or enter into an Individual Voluntary Arrangement (IVA) you must report this immediately through your Head of Department or Head of Post to HRDirect. Members of the SMS should report to the Director General Corporate Affairs and members of FCO Services should report to the FCO Services: Chief Executive. Failure to do so is a disciplinary offence. You must submit as soon as possible thereafter a full statement of the facts to the person whom you have notified (as above), who will pass a copy to the Head of Personnel Security, Estates and Security Directorate.
2. In no circumstances may a member of staff who is bankrupt or insolvent or has entered into an IVA continue to be employed on duties involving the handling of public funds.
3. If you become bankrupt or insolvent or have entered into an IVA and have committed any act of dishonesty or have otherwise acted discredibly, the misconduct procedure may be invoked under DSR 27.

DSR 30: Chapter Closed

DSR 31: Acceptance of Decorations from other Governments

NB. This chapter will be amended once revised rules on the acceptance of foreign awards have been issue.

1. Neither you nor your spouse or partner may accept or wear an order, decoration or medal from another government, unless HM The Queen has given her permission for you to do so. This also applies to Papal Awards and other official non-State awards, including those given by international organisations.
2. The limited circumstances under which HM The Queen's permission may be sought are set out in Honours and Awards. In particular, the Regulations do not allow the acceptance of any order, decoration or medal presented on leaving an overseas Post, whether on transfer or on final retirement, or presented after retirement in recognition of services rendered before retirement.
3. Applications for HM The Queen's permission to accept an order, decoration or medal from another government should be made to the Honours Secretary, Protocol Directorate by the government wishing to make the award.

DSR 32: Private Occupations/Secondary Employment

1. You will normally be permitted to take up secondary employment providing it does not affect or impinge upon you or your work in the Diplomatic Service, but you must obtain written approval from your line manager before you accept such secondary employment. You may be required to sign an 'opt out' for the purposes of the maximum number of weekly average hours under the Working Time Regulations.

2. Circumstances which may be interpreted as affecting or impinging upon you or your work include any which:

- require you, in the view of the FCO, to work excessive additional hours;
- place you in conflict with DSR;
- require the use of official information or experience;
- entail security risks;
- encroach on official time;
- involve payment by another Government department; or
- if you are serving overseas, contravene the Vienna Conventions on Diplomatic Relations or on Consular Relations.

3. There will normally be no objection to your accepting a largely inactive directorship in a family company formed to manage your private assets. You may become a member of, or occupy a post on the council of, a charity or learned society provided that this does not place you in conflict with DSR. For the Guide to Non-Executive Directorships for Civil Servants see www.interchange.gov.uk

4. A spouse or partner who takes up employment outside the Post while a member of staff is serving there does not have immunity under the Vienna Convention on Diplomatic Relations in respect of that employment. For further information on Diplomatic immunity see DSR 3.

DSR 33: Purchase of Government Property

1. You are free to buy or bid for Government articles which come up for sale from time to time unless, because of your official position at the time, you have special knowledge of the condition or value of the goods being sold, or have been or are officially associated with the disposal arrangements.

2. If you are in doubt whether it would be proper for you to buy or bid for a particular article, you should consult your Head of Department or Head of Post who, if necessary, will consult HRDirect or FCO Services: HR Policy.

DSR 34: Interest in Contracts

1. If you have a share or interest in a company, partnership or other business concern which has dealings with Government departments, you should provide full details of your share or interest in it to HRDirect or to FCO Services: HR Policy.
2. If, in your official capacity, you come into contact with a matter concerning a company, partnership or other business concern in which you have an interest, you must disclose that interest fully in writing to HRDirect or to FCO Services: HR Policy.
3. The above does not apply to cases in which shares are held in a public company, provided the holding is not large enough to give you a controlling interest in that company and does not place you in conflict with the General Principles of Conduct set out in DSR 2.

DSR 35: Solicitation of Outside Influence

1. You must not attempt to use political or other outside influence in order to support or further your career in the Diplomatic Service, gain special concessions or influence any personal claims in any matter affecting the Diplomatic Service.
2. This rule does not affect any statutory rights of appeal you may have and does not restrict your right to approach your Member of Parliament if you consider that you have been wrongly treated.

DSR 36: Political Activities

Statement of intent

1. Members of the Diplomatic Service owe their allegiance to the Crown. In its executive capacity, the authority of the Crown is exercised through the Government of the day. Members of the Diplomatic Service are therefore required to discharge loyally the duties assigned to them by the Government of the day of whatever political complexion. For the Diplomatic Service to serve successive governments of different political complexions it is essential that Ministers and the public should have confidence that the personal views of members of the Service do not cut across the discharge of their official duties. The intent of this Regulation governing political activities is to allow members of the Service the greatest possible freedom to participate in public affairs without infringing these fundamental principles. The Regulation is concerned with political activities which are liable to give public expression to political views. Civil servants on secondment/Interchange to outside organisations remain civil servants and the rules relating to political activity continue to apply to them. Individuals seconded into the Civil Service are also covered by these rules for the duration of their appointment.

Political activities: definition

2. For the purpose of these Regulations political activities which may be subject to restriction are defined as follows:

National political activities

- public announcement as a candidate or prospective candidate for the UK Parliament or the European Parliament;
- holding an office in a party political organisation which impinges wholly or mainly on party politics in the field of the UK Parliament or the European Parliament;
- speaking in public on matters of national political controversy;
- expressing views on matters of national political controversy in letters to, or interviews with, the media, on the internet or in books, articles or leaflets or in any other medium;
- canvassing on behalf of a candidate for the UK Parliament or the European Parliament or on behalf of a political party.

Local political activities:

- candidature for, or co-option to, local authorities;
- holding an office in a party political organisation which impinges wholly or mainly on local party politics;
- speaking in public on matters of local political controversy;
- expressing views on matters of local political controversy in letters to, or interviews with, the media, on the internet, or in books, articles or leaflets or in any other medium;
- canvassing on behalf of a candidate for election to a local authority or a local political organisation.

Application to different groups

3. For the purposes of this Regulation staff fall into three categories defined by their grade and function. The categories are:

- a. the "politically free" group, comprising any member of the Diplomatic Service employed in a security role (e.g. Overseas Security Managers);
- b. the "intermediate" group, comprising all members of the Diplomatic Service in Bands A, B, and C except for Band C policy entrants;
- c. the "politically restricted" group, comprising C Band policy entrants and all members of the Service in Band D and the SMS.

General Rules

4. All Diplomatic Service staff are required to observe the rules concerning the use of official information or experience (see DSR 5) and are banned from any form of political activity while on official premises or on duty. All staff in the intermediate and politically restricted groups who have not been given authority to engage in any of the political activities defined in paragraph 2 above are expected to maintain a reserve in political matters at all times and to avoid putting themselves forward prominently on one side or another. In addition the following rules apply to staff in their appropriate groups.

5. The nature of a member of staff's duties may be such that authority can be granted to engage in either only national or only local political activities. But in general, where authority is given to engage in national political activities, it will follow that it would also be given in respect of local political

activities. If authority to engage in political activities is withheld the reasons will be fully explained to the applicant.

The politically free group

6. Staff in the politically free group are free to engage in any form of political activity as set out at paragraph 2 above, subject to the provisions of paragraphs 1 and 4 above. Any member of staff seeking to engage in any political activity who considers that he/she falls into the politically free group should contact HRDirect or FCO Services: HR Policy for advice.

The intermediate group

7. Staff in the intermediate group may engage in any of the listed national or local political activities except candidature for the UK Parliament or the European Parliament, provided they have obtained authority in advance from HRDirect or FCO Services: HR Director. Whether authority is given may be determined by the nature of the current duties of the applicant. Authority will be granted to the maximum extent consistent with the statement of intent above and subject to HRDirect or FCO Services: HR Director in being satisfied that the member of staff concerned will continue fully to observe the general principles of conduct at DSR 2 and the code of discretion set out at paragraph 11 below. There are, however, sensitive areas in which the political impartiality of the Diplomatic Service would be most at risk. Accordingly, authority would not normally be granted to:

- a. staff closely engaged in advising Ministers on policy;
- b. staff in the Press Office or elsewhere who regularly act as spokespersons in dealings with others and who may appear to those with whom they deal to have influence in the application of Government policy affecting them;
- c. staff who are actively involved at the time in representing the Government in dealings with overseas governments;
- d. staff whose official duties involve a significant amount of direct contact with members of the public and who make, or may seem to the public to be involved in making decisions affecting them and whose political activities are likely to be or become known to them.

The politically restricted group

8. Staff in the politically restricted group are barred from national political activities but may seek authority to engage in local political activities. In deciding whether such authority may be granted, HRDirect or FCO Services: HR Director will have regard to the criteria and other considerations applied to applications from those in the intermediate group. If authority to engage in political activities is withheld the reasons will be fully explained to the applicant. Members of staff in the politically restricted group who receive such authority must notify HRDirect or FCO Services: HR Policy in due course if they are elected or co-opted to a local authority.

Mobility

9. Members of the Diplomatic Service who are given authority to engage in political activities remain subject to the global mobility obligation (see Regulation 8). Within this context and subject to the constraints of individuals' circumstances, HR Directorate will try to meet the wishes of members of staff so that authorised political activities may be continued, in the same way that it may be possible to accommodate other preferences on postings. This may, however, have the effect of limiting the range of an individual's experience. Members of staff appointed to a Post where authority to engage in political activities cannot be granted will be required to relinquish those activities.

Appeal

10. Members of staff may appeal against a refusal to grant authority to engage in political activities to an Appeal Committee constituted in accordance with an agreement between the Official Side of the National Whitley Council and the Council of Civil Service Unions.

Code of discretion

11. Even when authority to engage in political activities is given to a member of staff in the intermediate or politically restricted groups, his/her political views should not constitute so strong and so comprehensive a commitment to the tenets of a political party as to inhibit or appear to inhibit loyal and effective service to Ministers of another party. Such authority is accordingly subject to the following code of discretion:

- a. staff in the intermediate and politically restricted groups engaging in political activities should bear in mind that they are Crown Servants working under the direction of Ministers forming the Government of the day. While they are not barred from advocating or criticising the policy of any political party, any comment they make must be expressed with moderation, particularly in relation to matters for which FCO Ministers are responsible. They must also avoid any personal attacks and all comment if the departmental issue concerned is controversial;
- b. every care should be taken to avoid any embarrassment to Ministers or to the FCO which could result, inadvertently or not, from the actions of a person known to be a member of staff who brings him/herself prominently to public notice in party political controversy;
- c. authority to participate only in local political activities is granted subject to care being taken by the member of staff concerned not to involve him/herself in matters of political controversy which are of national rather than local significance.

Trade union activities

12. Members of staff do not need authority to engage in activities organised by their trade union or staff association and there is no intention in these Regulations to prevent or deter staff from engaging in such activities.

13. Staff in the intermediate and politically restricted groups who are elected as trade union representatives will from time to time inevitably comment on Government policy when representing the interests of their members. This Regulation in no way denies or qualifies their right to pursue the legitimate interests of their members. But if they comment on Government policy they must make clear at the time that they are expressing views as representatives of the trade union and not as members of the Diplomatic Service, and they must put such views over in a reasonable way bearing in mind their position as members of the Diplomatic Service. In cases of doubt, advice should be sought from HRDirect or FCO Services: HR Director.

14. Such staff are bound by the whole of this Regulation when not acting in a trade union capacity. They are of course also bound by the Code of Ethics at DSR 1, with which this Regulation should be read in conjunction.

Peers in the Diplomatic Service

15. A peer in the Diplomatic Service who is a member of the House of Lords is subject to the same rules governing political activities including public speeches on matters of controversy as other members of the Service and is free to speak in the House of Lords only to the same extent that any other member of the Service is free to speak elsewhere.

16. A peer who is in the intermediate or politically restricted groups and wishes to participate in a debate in the House of Lords should therefore seek prior authority from HRDirect or FCO Services: HR Director. A peer who is in the politically restricted group is barred from speaking in any debate which could be considered controversial in a party political sense.

Parliamentary candidature

17. The Servants of the Crown (Parliamentary, European Parliamentary and Northern Ireland Assembly Candidature) Order 1987 provides that no person to whom it applies shall issue an address to electors or in any other manner publicly announce themselves, or allow themselves to be publicly announced, as a candidate or prospective candidate for election to the UK Parliament or the European Parliament. The Order applies to all FCO staff except those in the politically free group. Staff on secondment to outside organisations, whether or not they are paid by such organisations, remain subject to the Order.

18. To comply with the Order, a member of staff who is in the intermediate or politically restricted groups must resign from the Diplomatic Service on his/her formal adoption as a parliamentary candidate or prospective parliamentary candidate for either the UK Parliament or the European Parliament in accordance with the procedures of the political party concerned. They must complete their last day of service before adoption papers are completed. Until his/her resignation takes effect, a member of staff remains subject to the rules on political activities set out above. Staff in the politically free group must submit their resignation before they give their consent to nomination in accordance with the Parliamentary Election rules; they are not required to resign on adoption as a prospective candidate.

19. All members of the Diplomatic Service are disqualified from election to the UK Parliament by the House of Commons Disqualification Act 1975 and, similarly, are disqualified from election to the European Parliament by paragraph 5 of Schedule 1 to the European Assembly Elections Act 1978 and must therefore resign from the Civil Service before standing for election. To prevent the election of a member of staff in the politically free group to either Parliament being held to be void under the legislation above he/she should take care to submit his/her resignation before he/she consents to nomination in accordance with the Parliamentary Election Rules.

20. A member of staff in the politically free group who is elected to the UK Parliament or the European Parliament will be entitled to be re-instated in the Diplomatic Service if:

- he/she ceases to be a Member of Parliament after an absence from the Diplomatic Service not exceeding five years; and
- he/she had at least 10 years' actual service before his/her election; and
- he/she applies for re-instatement within three months of ceasing to be a Member of Parliament.
- Their candidature has proved unsuccessful, provided they apply within a week of declaration day

21. Where these conditions are not met, an application for re-instatement will be considered on its merits.

22. A member of staff in the intermediate or politically restricted groups who resigns his/her post on adoption as a parliamentary candidate or parliamentary candidate for either the UK Parliament or the European Parliament will not normally be re-instated in the Diplomatic Service. Re-instatement will be at the discretion of the FCO and any requests for reinstatement should apply within a week of declaration day if they are not elected.

DSR 37: Leaving the Diplomatic Service

1. Your employment with the Diplomatic Service may be terminated in one of the following ways:

- probation: failure satisfactorily to complete a period of probation following appointment. Further details are set out at DSR 13;
- disciplinary grounds: further details are set out at DSR 27;
- resignation: You may resign from the FCO at any time. The required periods of notice on the termination of service are set out in Intranet Guidance. If you resign while serving overseas, you may be required to meet the costs of your travel home and removal expenses.

Retirement

2. The earliest age at which staff currently in service may voluntarily retire with the immediate payment of earned pension benefits is normally their 60th birthday. But the Principal Civil Service Pension Schemes are currently being amended. New arrangements, which may affect pension age and entitlements are coming into effect on 1st April 2015. The FCO does not impose a mandatory retirement age on staff in the Delegated Grades: they may continue to work on beyond previous retirement ages, provided that their performance remains satisfactory. Officers should let the

Retirement Team know, at least six months in advance if possible, when they plan to retire. For staff in the SMS the Government imposes a default retirement age of 65. Further details are set out in the FCO Intranet Guidance on retirement.

Important provisions relating to retirement concern:

Notional retirement age: this is a retirement age as reduced in respect of service before 1 June 1972 in any Post then classified as a Scheduled Post. For members of the Service to whom this applies, their retirement age is generally reduced by three months for each complete year of aggregate service in a Scheduled Post, subject to a maximum reduction of five years. Such members of staff are not required to retire when they reach their notional retirement age should they wish to continue working. Further details are set out in FCO Intranet Guidance on retirement.

Ill health retirement

3. You may apply to Health and Welfare in HR Directorate for voluntary ill health retirement if you consider that your health is preventing you from carrying out your duties. If the FCO Medical Adviser considers that you have a strong enough case, he/she will refer it to the BMI Health Services for decision by them. Ill health retirement will only be approved if there is evidence that a breakdown in health is permanent and that the member of staff concerned is unlikely to return to work.

4. In the event of ill health and/or a significant amount of sickness absence, Health and Welfare may decide, in conjunction with HRDirect or FCO Services HR Policy, to submit your case to the BMI Health Services for consideration for compulsory early retirement on the grounds of ill health.

5. You are entitled to appeal against any decision to retire you compulsorily on the grounds of ill health. Further details of relevant procedures are set out in FCO Intranet Guidance on ill health retirement.

Dismissal for inefficiency

6. You may be dismissed from the Diplomatic Service before you reach the normal retirement age if it is decided that this is justified on grounds of poor performance/attendance. The conditions and safeguards which apply are set out in Guidance on performance and attendance. If you are dismissed on these grounds you may be paid compensation if it is decided that this is appropriate in the circumstances of your case.

7. The eligibility of a member of staff for superannuation benefits on leaving the Diplomatic Service is governed by the Civil Service Pensions Division of the Cabinet Office and is administered by MyCSP Ltd. All enquiries should be directed to our Pensions team in the Corporate Service Centre, Milton Keynes. Detailed general information is set out at the Civil Service Pensions website.

DSR 38: Outside Appointments after Retirement or Resignation, going on, during, a career break, SUPL, secondment

1. It is in the national interest that people with experience of public administration should be able to move into business or other fields and that such mobility should not be frustrated by unjustified public concern over a particular appointment. But it is also important that when a member of the Diplomatic Service accepts an outside appointment there should be no cause for suspicion of impropriety. Especially sensitive areas are ICT, computing, finance, and involvement in Government or business contracts. The rules safeguard both the Diplomatic Service and individual officers against such criticism. Full details are set out in the FCO Intranet Guidance on business appointment rules.
2. You should report any offer of employment from an outside employer which you wish to consider and for which authority is required to HR Direct.
3. Applications for authority to accept outside appointments should be submitted in good time as processing can take eight weeks or so, especially in the case of applications by members of staff in the SMS.