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## INFORMATION NOTE

### The Civil Service Code of the United Kingdom

1.1 The Civil Service Code (please see Appendix) was introduced under the powers conferred by the royal prerogative and brought into operation in 1996, replacing the 'Armstrong Memorandum' of 1985.

1.2 In 1985, the Head of the Home Civil Service, Sir Robert Armstrong, issued a note of guidance ('Armstrong Memorandum') on the general duties and responsibilities of civil servants in relation to Ministers after the Ponting case. The case involved Clive Ponting, a senior civil servant, releasing confidential information to a Member of Parliament about the conduct in the Ministry of Defence, which led to allegations that ministers were attempting deliberately to mislead Parliament.

1.3 The 'Armstrong Memorandum' stated that if a civil servant considered being asked to do something which he or she believed unlawful, unethical or against his or her conscience, the civil servant should report it to a senior official or the permanent head of the department. If the matter could not be resolved, the civil servant either had to carry out the instructions or resigned from public service.

1.4 A number of scandals came to light in the early 1990s. They involved allegations of a lack of integrity among ministers and government officials. The Treasury and Civil Service Select Committee of the House of Commons reviewed the position in their Fifth Report--The Role of the Civil Service in 1994. The Select Committee concluded that there was a need for a Civil Service Code and put forward a prototype code.

1.5 This recommendation was accepted by the government and supported by the Nolan Committee on standards of public life. The Nolan Committee further proposed a number of amendments to the draft prepared by the government. Lord Nolan was appointed in 1994 to examine concerns about standards of conduct.

1.6 The Civil Service Code was brought into operation in 1996 to provide a framework within which all civil servants work and the values they were expected to uphold. It is now part of the Civil Service Management Code.

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15 April 2002  
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**Appendix**

**THE CIVIL SERVICE CODE**

The Civil Service Code sets out the constitutional framework within which all civil servants work and the values they are expected to uphold. It is modelled on a draft originally put forward by the House of Commons Treasury and Civil Service Select Committee. It came into force on 1 January 1996, and forms part of the terms and conditions of employment of every civil servant. It was revised on 13 May 1999 to take account of devolution to Scotland and Wales. The full text follows, and hard copies are available from the address at the end of the document.

1. The constitutional and practical role of the Civil Service is, with integrity, honesty, impartiality and objectivity, to assist the duly constituted Government of the United Kingdom, the Scottish Executive or the National Assembly for Wales<sup>1</sup> constituted in accordance with the Scotland and Government of Wales Acts 1998, whatever their political complexion, in formulating their policies, carrying out decisions and in administering public services for which they are responsible.
2. Civil servants are servants of the Crown. Constitutionally, all the Administrations form part of the Crown and, subject to the provisions of this Code, civil servants owe their loyalty to the Administrations<sup>1</sup> in which they serve.
3. This Code should be seen in the context of the duties and responsibilities set out for UK Ministers in the Ministerial Code, or in equivalent documents drawn up for Ministers of the Scottish Executive or for the National Assembly for Wales, which include:
  - accountability to Parliament<sup>2</sup> or, for Assembly Secretaries, to the National Assembly; the duty to give Parliament or the Assembly and the public as full information as possible about their policies, decisions and actions, and not to deceive or knowingly mislead them;
  - the duty not to use public resources for party political purposes, to uphold the political impartiality of the Civil Service, and not to ask civil servants to act in any way which would conflict with the Civil Service Code;

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<sup>1</sup> In the rest of this Code, we use the term Administration to mean Her Majesty's Government of the United Kingdom, the Scottish Executive or the National Assembly for Wales as appropriate.

<sup>2</sup> In the rest of this Code, the term Parliament should be read, as appropriate, to include the Parliament of the United Kingdom and the Scottish Parliament.

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- the duty to give fair consideration and due weight to informed and impartial advice from civil servants, as well as to other considerations and advice, in reaching decisions; and
  - the duty to comply with the law, including international law and treaty obligations, and to uphold the administration of justice;

together with the duty to familiarise themselves with the contents of this Code.

4. Civil servants should serve their Administration in accordance with the principles set out in this Code and recognising:
  - the accountability of civil servants to the Minister<sup>3</sup> or, as the case may be, to the Assembly Secretaries and the National Assembly as a body or to the office holder in charge of their department;
  - the duty of all public officers to discharge public functions reasonably and according to the law;
  - the duty to comply with the law, including international law and treaty obligations, and to uphold the administration of justice; and
  - ethical standards governing particular professions.
5. Civil servants should conduct themselves with integrity, impartiality and honesty. They should give honest and impartial advice to the Minister or, as the case may be, to the Assembly Secretaries and the National Assembly as a body or to the office holder in charge of their department, without fear or favour, and make all information relevant to a decision available to them. They should not deceive or knowingly mislead Ministers, Parliament, the National Assembly or the public.
6. Civil servants should endeavour to deal with the affairs of the public sympathetically, efficiently, promptly and without bias or maladministration.
7. Civil servants should endeavour to ensure the proper, effective and efficient use of public money.
8. Civil servants should not misuse their official position or information acquired in the course of their official duties to further their private interests or those of others. They should not receive benefits of any kind from a third party which might reasonably be seen to compromise their personal judgement or integrity.

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<sup>3</sup> In the rest of this Code, Ministers encompasses members of Her Majesty's Government or of the Scottish Executive.

9. Civil servants should conduct themselves in such a way as to deserve and retain the confidence of Ministers or Assembly Secretaries and the National Assembly as a body, and to be able to establish the same relationship with those whom they may be required to serve in some future Administration. They should comply with restrictions on their political activities. The conduct of civil servants should be such that Ministers, Assembly Secretaries and the National Assembly as a body, and potential future holders of these positions can be sure that confidence can be freely given, and that the Civil Service will conscientiously fulfil its duties and obligations to, and impartially assist, advise and carry out the lawful policies of the duly constituted Administrations.
10. Civil servants should not without authority disclose official information which has been communicated in confidence within the Administration, or received in confidence from others. Nothing in the Code should be taken as overriding existing statutory or common law obligations to keep confidential, or to disclose, certain information. They should not seek to frustrate or influence the policies, decisions or actions of Ministers, Assembly Secretaries or the National Assembly as a body by the unauthorised, improper or premature disclosure outside the Administration of any information to which they have had access as civil servants.
11. Where a civil servant believes he or she is being required to act in a way which:
- is illegal, improper, or unethical;
  - is in breach of constitutional convention or a professional code;
  - may involve possible maladministration; or
  - is otherwise inconsistent with this Code;
- he or she should report the matter in accordance with procedures laid down in the appropriate guidance or rules of conduct for their department or Administration. A civil servant should also report to the appropriate authorities evidence of criminal or unlawful activity by others and may also report in accordance with the relevant procedures if he or she becomes aware of other breaches of this Code or is required to act in a way which, for him or her, raises a fundamental issue of conscience.
12. Where a civil servant has reported a matter covered in paragraph 11 in accordance with the relevant procedures and believes that the response does not represent a reasonable response to the grounds of his or her concern, he or she may report the matter in writing to the Civil Service Commissioners, 35 Great Smith Street, London SW1P 3BQ. Telephone: 020 7276 2613.

13. Civil servants should not seek to frustrate the policies, decisions or actions of the Administrations by declining to take, or abstaining from, action which flows from decisions by Ministers, Assembly Secretaries or the National Assembly as a body. Where a matter cannot be resolved by the procedures set out in paragraphs 11 and 12 above, on a basis which the civil servant concerned is able to accept, he or she should either carry out his or her instructions, or resign from the Civil Service. Civil servants should continue to observe their duties of confidentiality after they have left Crown employment.

## References

1. Bradley, A. W. & Ewing, K. D. *Constitutional and Administrative Law*, 12<sup>th</sup> ed., New York: Addison Wesley Longman, 1997.
2. Barberis, Peter (ed.). *The Whitehall Reader: the UK's Administrative Machine in Action*, Imprint Buckingham [England] : Open University Press, 1996.
3. The Cabinet Office, *Civil Service Code*, available at <http://www.cabinet-office.gov.uk/central/1999/cscode.htm>