Constitutional Reform and Governance Act 2010

2010 CHAPTER 25

PART 1

THE CIVIL SERVICE

CHAPTER 1

STATUTORY BASIS FOR MANAGEMENT OF THE CIVIL SERVICE

Codes of conduct

5 Civil service code

(1) The Minister for the Civil Service must publish a code of conduct for the civil service (excluding the diplomatic service).

(2) For this purpose, the Minister may publish separate codes of conduct covering civil servants who serve the Scottish Executive or the Welsh Assembly Government.

(3) Before publishing a code (or any revision of a code) under subsection (2), the Minister must consult the First Minister for Scotland or the First Minister for Wales (as the case may be).

(4) In this Chapter "civil service code" means a code of conduct published under this section as it is in force for the time being.

(5) The Minister for the Civil Service must lay any civil service code before Parliament.

(6) The First Minister for Scotland must lay before the Scottish Parliament any civil service code under subsection (2) that covers civil servants who serve the Scottish Executive.

(7) The First Minister for Wales must lay before the National Assembly for Wales any civil service code under subsection (2) that covers civil servants who serve the Welsh Assembly Government.

(8) A civil service code forms part of the terms and conditions of service of any civil servant covered by the code.

Commencement Information

I1 S. 5 in force at 11.11.2010 by S.I. 2010/2703, **art. 2(a)**

6 Diplomatic service code

(1) The Secretary of State must publish a code of conduct for the diplomatic service.

(2) In this Chapter "diplomatic service code" means the code of conduct published under this section as it is in force for the time being.

(3) The Secretary of State must lay the diplomatic service code before Parliament.

(4) The diplomatic service code forms part of the terms and conditions of service of any civil servant covered by the code.

Commencement Information

I2 S. 6 in force at 11.11.2010 by S.I. 2010/2703, **art. 2(a)**

7 Minimum requirements for civil service and diplomatic service codes

(1) This section sets out the provision that must be included in a civil service code or the diplomatic service code in relation to the civil servants covered by the code. (The code may include other provision as well.)

(2) The code must require civil servants who serve an administration mentioned in subsection (3) to carry out their duties for the assistance of the administration as it is duly constituted for the time being, whatever its political complexion.

(3) The administrations are—

(a) Her Majesty's Government in the United Kingdom;

(b) the Scottish Executive;

(c) the Welsh Assembly Government.

(4) The code must require civil servants to carry out their duties—

(a) with integrity and honesty, and

(b) with objectivity and impartiality.

(5) But the code need not require special advisers (see section 15) to carry out their duties with objectivity or impartiality.

Commencement Information

I3 S. 7 in force at 11.11.2010 by S.I. 2010/2703, **art. 2(a)**

8 Special advisers code

(1) The Minister for the Civil Service must publish a code of conduct for special advisers (see section 15).

(2) For this purpose, the Minister may publish separate codes of conduct covering special advisers who serve the Scottish Executive or the Welsh Assembly Government.

(3) Before publishing a code (or any revision of a code) under subsection (2), the Minister must consult the First Minister for Scotland or the First Minister for Wales (as the case may be).

(4) In this Chapter "special advisers code" means a code of conduct published under this section as it is in force for the time being.

(5) Subject to subsection (6), a special advisers code must provide that a special adviser may not—

(a) authorise the expenditure of public funds;

(b) exercise any power in relation to the management of any part of the civil service of the State;

(c) otherwise exercise any power conferred by or under this or any other Act or any power under Her Majesty's prerogative.

(6) A special advisers code may permit a special adviser to exercise any power within subsection (5)(b) in relation to another special adviser.

(7) In subsection (5)(c) "Act" includes—

(a) an Act of the Scottish Parliament;

(b) an Act or Measure of the National Assembly for Wales;

(c) Northern Ireland legislation.

(8) The Minister for the Civil Service must lay any special advisers code before Parliament.

(9) The First Minister for Scotland must lay before the Scottish Parliament any special advisers code under subsection (2) that covers special advisers who serve the Scottish Executive.

(10) The First Minister for Wales must lay before the National Assembly for Wales any special advisers code under subsection (2) that covers special advisers who serve the Welsh Assembly Government.

(11) A special advisers code forms part of the terms and conditions of service of any special adviser covered by the code.

Commencement Information

I4 S. 8 in force at 11.11.2010 by S.I. 2010/2703, **art. 2(a)**

Status: *Point in time view as at 11/11/2010.*
Changes to legislation: *There are currently no known outstanding effects for the Constitutional Reform and Governance Act 2010, Cross Heading: Codes of conduct. (See end of Document for details)*

9 Conduct that conflicts with a code of conduct: complaints by civil servants

(1) This section applies in relation to any civil service code and the diplomatic service code; and "code" is to be read accordingly.

(2) Subsection (3) applies if a civil servant ("P") covered by a code has reason to believe—

(a) that P is being, or has been, required to act in a way that conflicts with the code, or

(b) that another civil servant covered by the code is acting, or has acted, in a way that conflicts with the code.

(3) P may complain to the Commission about the matter.

(4) A code may include provision about the steps that must be taken by a civil servant before making a complaint (and P must take the steps accordingly).

(5) The Commission—

(a) must determine procedures for the making of complaints and for the investigation and consideration of complaints by the Commission;

(b) after considering a complaint, may make recommendations about how the matter should be resolved.

(6) For the purposes of the investigation or consideration of a complaint, the following must provide the Commission with any information it reasonably requires—

(a) civil service management authorities;

(b) the complainant;

(c) any civil servant whose conduct is covered by the complaint.

(7) The revision of a code does not affect the application of this section in relation to anything occurring before the revision.

Commencement Information

I5 S. 9 in force at 11.11.2010 by S.I. 2010/2703, **art. 2(a)**

Status:
Point in time view as at 11/11/2010.

Changes to legislation:
There are currently no known outstanding effects for the Constitutional Reform and Governance Act 2010, Cross Heading: Codes of conduct.