

WELSH GOVERNMENT
TERMS AND CONDITIONS OF SERVICE

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GENERAL INTRODUCTION

The Terms and Conditions of Service applies to all employees of the Welsh Government (hereafter referred to as the "WG") and sets out the terms and conditions of service for such employment. It should be read in conjunction with the particulars of employment attached to each employee's letter of appointment and any subsequent amendment to those particulars.

The constitutional and practical role of all employees within the Civil Service is, with integrity, honesty, impartiality and objectivity, to assist the duly constituted Government of the United Kingdom, the Scottish Government or the WG whatever their political complexion, in formulating their policies, carrying out decisions and in administering public services for which they are responsible. This Policy sets out the conduct expected of all WG employees to assist in fulfilling the duties, obligations and responsibilities in their individual roles within the Civil Service.

All employees are required to read and familiarise themselves with the terms of this Policy. Any amendments or variations to the policy will, from time to time, be notified to employees. Further information about the policies and procedures that supplement and give effect to the terms and conditions set out in the policy, together with other relevant information, is contained on the WG intranet. Employees who do not have access to the WG's intranet site should speak to their line manager who will make arrangements for the employee to receive the information in hard copy.

CHAPTER 1: EQUAL OPPORTUNITIES POLICY

1.1 The WG is an equal opportunities employer. It is committed to ensuring, that it is free from any form of unlawful discrimination. All our policies are fully inclusive of all staff regardless of age, marriage and civil partnership (both same sex and opposite sex), pregnancy and maternity, race, religion or belief, sex, sexual orientation, whether they have an impairment or health condition, are neurodivergent or use British Sign Language, their gender identity or gender expression. We acknowledge that the terms 'gender identity' and 'gender expression' are not protected characteristics as defined by the Equality Act 2010, however, we believe that Government policy which includes provision for those persons who identify within the 'trans' umbrella (rather than on the basis of binary gender) is a more inclusive approach and one which ensures the Welsh Ministers are in a position to comply with all their statutory duties related to equality and the promotion of well-being in Wales. If you have any feedback on the inclusivity of this policy, please email EqualityintheWorkplaceTeam@gov.wales

1.2 The WG is committed to ensuring fair and equal treatment in all aspects of employment. We are committed to ensuring and promoting equality of opportunity and eliminating discrimination, harassment (including sexual harassment) and victimisation in employment. The WG aims to ensure that all employees are treated equally, whoever they are and irrespective of their protected characteristics, working pattern (including part time); caring responsibilities; grade; working location; trade union activities; political beliefs; social or educational background and language preference. The WG aims to ensure that all employees have equality of opportunity in employment, learning and development and career advancement on the basis of their skills, ability, qualifications and suitability for work.

1.3 The WG aims to ensure that no applicant or employee is treated less favourably on any grounds including the personal characteristics listed above. Furthermore, the WG will ensure that no individual is disadvantaged by conditions or requirements of a position that the WG cannot show to be justifiable.

1.4 Employees are expected to abide by the terms of this Equal Opportunities Policy both in terms of their dealings with members of the public, business contacts and relationships with colleagues. The WG will not tolerate discrimination either direct or indirect, intentional or unintentional, against any employee, business contact or member of the public on any grounds whatsoever including but not limited to those mentioned above.

1.5 The WG will not tolerate any form of victimisation, harassment or bullying of any employee, business contact or member of the public.

1.6 An employee found to have acted in breach of the WG's Equality, Diversity & Inclusion policy and/or Dignity at Work policy will face disciplinary action.

Further Information

1.7 See also the following entries on the WG Intranet site:

Equality, Diversity and Inclusion in the Workplace - [Equality, Diversity and Inclusion in the Workplace \(sharepoint.com\)](#)

Equality, Diversity & Inclusion Policy -

<https://documents.hf.wales.gov.uk/id:A32823257/document/versions/published>

Dignity at Work Policy -

<https://documents.hf.wales.gov.uk/id:A629510/document/versions/published>

CHAPTER 2: DUTIES AND RESPONSIBILITIES OF CIVIL SERVANTS

2.1 This chapter deals with the duties, responsibilities and standards of conduct applicable to all employees of the WG, particularly those arising from their status as civil servants. Failure to abide by the standards of conduct at all times or to follow the rules and procedures set out in this part of the Code may result in disciplinary action, possible dismissal and in certain circumstances criminal proceedings **being brought against the individual**.

The Civil Service Code

2.2 WG employees are civil servants. Employees are required to familiarise themselves with the WG Civil Service Code at Annex A to this Chapter and abide by it at all times. The WG Civil Service Code is incorporated in the WG's terms and conditions of service. Failure to follow the WG Civil Service Code may result in disciplinary action.

Propriety

Arrest or conviction on civil or criminal charges

2.3 Employees must immediately inform their senior management if they are arrested, refused bail or convicted of any criminal offence. This does not apply to traffic offences unless the penalty includes imprisonment or disqualification from driving or involves an official WG vehicle.

Further information

See also the following on the WG Intranet site:

[Arrest or Conviction](#)

Bankruptcy and insolvency

2.4 An employee who is declared bankrupt or insolvent (including employees who enter into an IVA (Individual Voluntary Arrangement)) must report this fact immediately to their senior management and the FCS Director General. Failure to do so will be considered an act of gross misconduct which may result in disciplinary action up to and including dismissal. An employee who is bankrupt or insolvent (including employees who enter into an IVA (Individual Voluntary Arrangement)) must not be employed on duties which involve handling public funds.

Further information

See also the following on the WG Intranet site:

[Bankruptcy and Insolvency](#)

Acceptance of Gifts, Rewards and Hospitality

2.5 Employees must not receive gifts, hospitality or benefits of any kind from a third party which may reasonably give rise to suspicion of conflict between their official duty and their private interest, or may reasonably be seen to compromise their personal integrity in any way. This may include gifts, benefits or hospitality offered to members of the employee's family.

2.6 Employees should be aware that it is a criminal offence under the Prevention of Corruption Act 1906 for any civil servant in their official capacity corruptly to accept any gift or consideration as an inducement or reward for doing or refraining from doing anything or showing favour or disfavour to any person. Furthermore, under the Prevention of Corruption Act 1906 any money, gift or consideration received by a civil servant from a person or organisation holding or seeking to obtain a government contract will be deemed by the courts to have been received corruptly unless there is any proof to the contrary.

2.7 Any employee who is offered a gift, benefit or hospitality which may or may be seen to compromise their official position should refuse to accept it or seek the consent of senior management before doing so.

2.8 Any employee found to have accepted money, gift, hospitality, benefit or any other consideration in circumstances where it conflicts with their official duties will be considered by the WG to be in serious breach of this Code, rendering him or her liable to disciplinary proceedings in addition to any potential criminal proceedings which may arise.

2.9 Offers of gifts or hospitality from overseas governments and organisations may need to be handled with care so as not to cause unnecessary offence, in which case special considerations may apply.

Further information

See also the following on the WG Intranet site:

[Gifts, Rewards and Hospitality](#)

Interest in contracts

2.10 Unless the employee has fully disclosed the extent of his or her interest in the contract and senior management has given permission for the contract to be let, no contracts will be let by the WG to:-

- (a) any civil servant working in the WG;
- (b) any partnership of which a civil servant working in the WG is a member; or
- (c) any company of which a civil servant working in the WG is a director (except as a nominee of the WG);

2.11 Employees are required to report any relevant business interests to senior management in order to verify that such interests do not conflict with their work within the WG. Failure to do so may lead to disciplinary action.

Further information

See also the following on the WG Intranet site:

[Financial Dealings and Conflicts of Interest](#)

Competition for monetary reward

2.12 Employees must consult senior management before entering into competitions for monetary reward which may be connected with the work of the WG and which are open to others besides civil servants.

Further information

See also the following on the WG Intranet site:

[Financial Dealings and Conflicts of Interest](#)

Sale of surplus government property

2.13 Employees are not permitted to purchase surplus government property in circumstances where:-

- (a) they have obtained special knowledge about the condition of the goods due to their official duties; or
- (b) they have been officially associated with the disposal arrangements; or
- (c) at a discount that would not have been available to a member of the public.

Further information

See also the following on the WG Intranet site:

[Financial Dealings and Conflicts of Interest](#)

Receipt of fees

2.14 Any fees received from an outside source by an employee must be paid to the WG if the payment is for services which form part of the employee's official duty. In circumstances where all or part of the work involves private as well as official time or if the official time is made up the employee may make an application to senior management for permission to retain all or part of the fee as appropriate.

Further information

See also the following on the WG Intranet site:

[Receipt of Fees](#)

Borrowing and lending money

2.15 Employees are strictly prohibited from borrowing or attempting to borrow money from a member of the public with whom he or she is brought into contact during the course of his or her official duties. Violation of this rule will render the employee concerned liable to disciplinary action.

2.16 Employees may not conduct or represent a money lending business or lend money to another member of staff at interest. In principle the borrowing or lending of money by members of staff among themselves is to be avoided altogether.

Further information

See also the following on the WG Intranet site:

[Financial Dealings and Conflicts of Interest](#)

Betting and gambling

2.17 Any betting or gambling on official premises of the WG is strictly prohibited. Any violation of this rule may render the employee concerned liable to disciplinary proceedings.

Further information

See also the following on the WG Intranet site:

[Financial Dealings and Conflicts of Interest](#)

Investment in shareholdings and other securities

2.18 Save for certain restrictions which are set out below, employees may invest in such shareholdings and other securities as they wish.

2.19 Employees should abide by the following rules and restrictions relating to investment in shareholdings and other securities:

- (a) The Company Securities (Insider Dealing) Act 1985 prohibits certain activities where crown servants or former crown servants have by virtue of their position or former position information which they know or ought to know is unpublished and price-sensitive in relation to securities of companies. In such circumstances employees are prohibited from dealing in such securities through a recognised stock exchange and from encouraging anyone else to do so.
- (b) Any relevant private financial interests including directorships, the holding of shares or other securities must be declared in writing to senior management. This extends to private interests held by family members of the employee. Employees must comply with any subsequent instructions from the WG regarding the retention, disposal or management of such business interests.
- (c) In circumstances where the business interest is specific, for example knowledge of a particular company's affairs, employees are advised to avoid any dealings with those investments and to advise their senior management accordingly so that other colleagues may deal with any work involving that private interest.
- (d) Employees should consider using a third party to manage financial investments on a day to day basis where a conflict of interest may occur between management of those investments and their official duties.

Further information

See also the following on the WG Intranet site:

[Financial Dealings and Conflicts of Interest](#)

Involvement in proposals and appeals which may be matters for the WG

2.20 Employees are not debarred from exercising their rights as private citizens. However, the WG has a wide range of statutory responsibilities and appellate jurisdictions, and this necessarily imposes restraints on the conduct of employees in order to maintain public trust in the independence of the civil service. Employees may not, without the express permission of senior management:

- a) participate in the collective organisation of support for, or opposition to, any proposal which may be referred to the WG, unless their interests as private citizens are directly affected (for example, if their property is subject to a development or compulsory purchase to which they are legally entitled to object) or;
- b) act as agent for a third party in the matter of a statutory appeal or other proposal concerned with the responsibilities of the WG. This applies even

if the third party is a member of the employee's family, other than a spouse or other person in whose house he or she is living.

Confidentiality and Official Information

Scope

2.21 All employees are required to read the following rules and procedures relating to the handling and use of official information obtained during their work at the WG..

2.22 Mis-use of confidential information, breach of the duties of confidentiality owed to the WG and to the Crown, and dissemination of inaccurate or misleading information may lead to prosecution under the Official Secrets Act 1989, further criminal proceedings and/or disciplinary proceedings under the WG's disciplinary procedure which may result in dismissal.

Further information

For further information about the matters covered in this section, see also the following on the WG Intranet site:

[Confidentiality and Official Information](#)
[Personal Information and Data Protection](#)
[Crown Copyright, Inventions and Letters Patent](#)

Confidentiality

2.23 All employees owe a general duty of confidentiality to the WG and therefore to the Crown and are bound by the relevant provisions of criminal and civil law including the Official Secrets Act 1989.

General Rules

- (a) No confidential official information may be disclosed by any employee without the relevant authorisation.
- (b) The use or disclosure of any information, confidential or otherwise, to which an employee has had access must not be used to frustrate the policies or decisions of ministers.
- (c) Employees may not make any adverse, derogatory or objectionable or comments regarding any individual (whether officials, ministers or any other persons) or organisations or participate in any activities which conflict with the interests of the WG or bring the name of the WG or the Civil Service in general into disrepute.
- (d) Employees must seek permission from senior management for any activities involving the following:-

- (i) participation in any media broadcast (sound or vision) regarding the business of the WG or any other government department;
- (ii) publication or broadcasting of any personal memoirs relating to work carried out for or at the WG;
- (iii) dissemination of any information (verbal or written) which is passed to any journalist for publication relating to the WG or any other government department.
- (iv) publication or broadcasting of personal memoirs reflecting experience in Government after leaving the Civil Service. Any such publications or broadcasting of personal memoirs is strictly prohibited whilst in Crown employment;
- (v) participation in any opinion poll or market research survey relating to attitudes or opinions on political matters. (This does not apply to staff who are elected national, organisational or branch representatives of a recognised trade union who are requested to publicise their views on union matters);
- (vi) any arrangements regarding the publication of articles or materials which have been produced by staff members as part of their official duties, copyright of which will be owned by the Crown pursuant to the Copyright Designs and Patents Act 1988.
- (vii) the utilisation of any official information or experience gained during the course of official duties in order to create an invention or to publish details of an invention, whether made in the course of duty or otherwise and which may be subject to a patent pursuant to the Patents Act 1977.

General security responsibilities

2.24 The security of information within the government service including the WG is a concern for all employees and it is the responsibility of every employee. General principles relating to security are set out below and all employees irrespective of their position within the WG are expected to follow these general principles at all times:

- (i) Do not leave official documents or property unattended in cars, trains or other means of public transport in order to protect such documents and property against loss or theft. Any loss or theft of official documents or property must be reported to the security section immediately.
- (ii) Any classified documents removed from the WG's premises must be kept in a locked briefcase with an appropriate security lock and should always remain in the responsible employee's personal custody.

- (iii) Any documents carrying a security classification “Top Secret”, “Secret” and “Confidential” must be locked away each night (or whenever a section or room is unattended) in an appropriate security container.
- (iv) Any documents marked “Restricted” must be kept under lock and key.
- (v) Do not communicate sensitive information to anyone other than those who need to know that information.
- (vi) Do not discuss classified matters in public places.
- (vii) Do not discuss classified matters over a telephone that you do not know is secure.
- (viii) Keep offices tidy and ensure that classified material does not get confused with other non-classified material.
- (ix) Comply with any instructions given regarding transmission of classified material or information.
- (x) Do not take official papers home unless absolutely necessary and ensure that proper security measures are taken whilst those papers are at home.
- (xi) Immediately report the loss of any official documents, property or keys to any container containing security materials to the security section.

Failure to abide by any of the above rules may result in disciplinary action being taken against the employee concerned.

Further information

See [Security Policy](#) on the WG Intranet site.

Data protection

2.25 Employees should be aware of the Data Protection policy operated by the WG which ensures compliance with the Data Protection Act 1998. The Data Protection policy is concerned with the management of both computerised and manual records and sets out policies and procedures relating to the processing of data.

Further information

See the entry Data Protection on the WG Intranet site. Also see Requests for Recorded Information for [Freedom of Information](#) advice and guidance.

Outside occupations and appointments during and after employment as a civil servant

Outside occupations

2.26 Employees are required to seek permission from senior management before accepting any outside employment which might affect their work at the WG either directly or indirectly.

2.27 Employees may not at any time engage in any private activity which would require their attendance during working hours or in any way tend to impair their usefulness as a public servant, unless they have been given special leave to do so.

2.28 Employees may not engage in any occupation or other activity which might in any way conflict with the interests of the WG or be inconsistent with their position as a public servant.

2.29 Employees may not engage in any outside activity involving the use of experience or knowledge acquired during the course of official duties or involving payment from another government department without obtaining the consent of senior management.

2.30 Employees may not hold a directorship or undertake executive work in a private company, firm or other organisation or engage in consulting work which has a connection with their official duties or is on behalf of a firm or concern which is in contractual or other special relationship with the WG without first obtaining the consent of senior management.

2.31 Where an employee has any doubt about the propriety of any personal private activity he or she should consult senior management.

Further information

See also the following on the WG Intranet site:

[*Financial Dealings and Conflicts of Interest*](#)

Appointments to public boards and service as a Justice of the Peace

2.32 Any employee wishing to accept an appointment:

- (a) to any public board or body financed wholly or in part from public funds, or;
- (b) for service as a Justice of the Peace, or;
- (c) service on any national health service body.

must seek consent from senior management before accepting any such appointment.

Further information

See also the following on the WG Intranet site:

[Financial Dealings and Conflicts of Interest](#)

Acceptance of outside appointments

2.33 Employees are required to obtain the assent of the WG before accepting within two years of resignation or retirement or otherwise leaving the Civil Service any offer of employment in business and other bodies:

- (a) which are in a contractual relationship with the Government;
- (b) which are in receipt of subsidies or equivalent from the Government;
- (c) in which the Government is a shareholder;
- (d) which are in receipt of loans, guarantees or other forms of capital assistance from the Government; or
- (e) which are in a special relationship with services or departments or branches of the Government ; or
- (f) in semi-public organisations brought into being by the Government or Parliament.

2.34 Permission must similarly be sought if an employee wishes to accept an appointment in the service of a foreign government.

2.35 There are Civil Service-wide rules governing the acceptance of appointments in outside bodies by civil servants. These rules are incorporated into the WG's terms and conditions of service and employees are required to comply with them. The rules are available in full in the A – Z of People Policies and Procedures (see below).

Further information

See also the following entry on the WG Intranet site:

[Acceptance of Outside Appointments](#)

Participation in political activities

General

2.36 For the Civil Service to serve successive governments of different political complexions it is essential that the WG and the public should have confidence that civil servants' personal views do not affect the discharge of their official duties. The aim of the rules set out below is to allow civil servants the greatest possible freedom to participate in public affairs without infringing

this fundamental principle. They should be read alongside the Civil Service Code (Annex A to this Chapter).

Restrictions

2.37 Certain employees may be subject to restrictions with regard to political activities in which they may become involved in order to preserve a civil servant's impartiality in the conduct of their duties to the Crown. The restrictions may be as follows:-

(a) At national level within Wales and the rest of the UK

- Holding, in a party political organisation, office which impinges wholly or mainly on the party politics in a field of the National Assembly for Wales, parliament or the European parliament;
- Speaking on public matters of national political controversy;
- Expressing views on such matters in letters to the press, or in books, articles or leaflets;
- Being announced publicly as a candidate for the National Assembly for Wales, parliament or the European parliament; and
- Canvassing on behalf of a candidate for the National Assembly for Wales, parliament or the European parliament or on behalf of a political party.

(b) At local level

- Candidature for, or co-option to, local authorities;
- Holding in a party political organisation, office impinging wholly or mainly on party politics in the local field;
- Speaking in public on matters of local political controversy;
- Expressing views on such matters in letters to the press, or in books, articles or leaflets; and
- Canvassing on behalf of candidates for election to local authorities or a local political organisation.

Politically Restricted Employees

2.38 The following civil servants are Politically Restricted:

- (i) members of the Senior Civil Service and civil servants at levels immediately below the senior civil service;

- (ii) members of the fast stream development programme (administrative and European).

2.39 Employees falling within the Politically Restricted category are prohibited from taking part in national political activities and must seek permission from senior management to take part in any local political activities and to comply with any conditions laid down by the WG in relation to participation in such local activities.

Politically Free Employees

2.40 Employees in industrial and non-office grades are free to take part in all political activities but must abide by the rules that apply to all employees which are set out below.

2.41 Any employee who does not fall within the Politically Restricted or Politically Free category must seek permission from senior management before participating in any national or local political activities (unless a special mandate exists which already grants permission to do so).

General Rules Applicable to all Employees

2.42 Irrespective of whether permission is required to participate in political activity, the following rules apply to **all** staff members:-

- (i) It is prohibited for employees to take part in any political activity whilst on duty or in uniform or on official premises;
- (ii) Employees must not attend in their official capacity outside conferences or functions convened by or under the auspices of a party political organisation;
- (iii) Care must be taken to avoid any embarrassment to ministers or the WG by employees bringing themselves prominently to public notice as civil servants in party political controversy.
- (iv) All employees other than those in the Politically Free category must ensure that their personal political views are expressed with moderation so as not to inhibit or appear to inhibit loyal and effective service to ministers of another party.

Further information

See also the following on the WG Intranet site:

[Political Activities](#)

Participation in surveys and opinion polls

2.43 Employees must not take part in surveys on attitudes or opinions on political matters without the permission of senior management, when it is clear

that they have been approached as civil servants and may be identified as such. This also applies to surveys on matters of policy which have political connotations.

2.44 This restriction is concerned only with the protection of official information, the duty of confidentiality and compliance with the Civil Service Code. Employees are not restricted from taking part in surveys or opinion polls in their private capacity, when they have not been approached as civil servants and would not be identified as such.

Further information

See also the following on the WG Intranet site:

[Opinion Polls and Market Research Surveys](#)

CIVIL SERVICE CODE

CIVIL SERVICE CODE

Presented to Parliament pursuant to section 5 (5) of the
Constitutional Reform and Governance Act 2010

Presented to the National Assembly for Wales pursuant to section 5
(7) of the *Constitutional Reform and Governance Act 2010*

Civil Service values

1. The statutory basis for the management of the Civil Service is set out in Part 1 of the Constitutional Reform and Governance Act 2010.
2. The Civil Service is an integral and key part of the government of the United Kingdom¹. It supports the Government of the day in developing and implementing its policies, and in delivering public services. Civil servants are accountable to Ministers². They are in turn accountable to the National Assembly for Wales³.
3. As a civil servant, you are appointed on merit on the basis of fair and open competition and are expected to carry out your role with dedication and a commitment to the Civil Service and its core values: integrity, honesty, objectivity and impartiality. In this Code:
 - ‘integrity’ is putting the obligations of public service above your own personal interests;
 - ‘honesty’ is being truthful and open;
 - ‘objectivity’ is basing your advice and decisions on rigorous analysis of the evidence; and
 - ‘impartiality’ is acting solely according to the merits of the case and serving equally well Governments of different political persuasions.
4. These core values support good government and ensure the achievement of the highest possible standards in all that the Civil Service does. This in turn helps the Civil Service to gain and retain the respect of Ministers, the National Assembly for Wales, the public and its customers.
5. This Code⁴ sets out the standards of behaviour expected of you and other civil servants. These are based on the core values which are set out in legislation.

¹This Code applies to all civil servants who are members of staff of the Welsh Government. Other civil servants have their own versions of the Code. Similar Codes apply to the Northern Ireland Civil Service and the Diplomatic Service.

² In this version of the Code, “Ministers” means the First Minister for Wales, the Welsh Ministers, Deputy Welsh Ministers and the Counsel General to the Welsh Government. The Counsel General to the Welsh Government may not be an Assembly Member but he/she may participate in Assembly proceedings.

³ Civil servants advising Ministers should be aware of the constitutional significance of the National Assembly for Wales and of the conventions governing the relationship between the National Assembly and the Welsh Government.

⁴ The respective responsibilities placed on the First Minister for Wales, the Welsh Ministers, Deputy Welsh Ministers and the Counsel General to the Welsh Government and special advisers in relation to the Civil Service are set out in

6. **Standards of behaviour**

Integrity

6. You must:

- fulfil your duties and obligations responsibly;
- always act in a way that is professional⁵ and that deserves and retains the confidence of all those with whom you have dealings⁶;
- 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:

their Codes of Conduct: www.wales.gov.uk/civilservicecode. Special advisers are also covered by this Civil Service Code except, in recognition of their specific role, the requirements for objectivity and impartiality (paras 10-15 below).

⁵This includes taking account of ethical standards governing particular professions.

⁶ Including a particular recognition of the importance of cooperation and mutual respect between civil servants working for the Welsh Government, and UK Government and other devolved administrations, and vice-versa.

- 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 Civil Service commitment to equality and diversity.

13. You must not:

- act in a way that unjustifiably favours or discriminates against particular individuals or interests.

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 Welsh Government 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 Welsh Government will 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 The Welsh Government'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 officers. 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 procedures⁷, and do not receive what you consider to be a reasonable response, you may report the matter to the

⁷The whistleblowing legislation (the Public Interest Disclosure Act 1998) may also apply in some circumstances. The Directory of Civil Service Guidance and the Civil Service Management Code give more information: www.cabinetoffice.gov.uk/conduct-ethics/civil-service.aspx.

Civil Service Commission⁸. The Commission will also consider taking a complaint direct. Its address is:

3rd Floor, 35 Great Smith Street, London SW1P 3BQ.
Tel: 020 7276 2613
email: ocsc@civilservicecommission.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 Civil Service.

19. 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.

November 2010

⁸The Civil Service Commission's Guide to Bringing a Complaint gives more information, available on the Commission's website: [Civil Service Commission](https://www.civilservicecommission.gov.uk).

CHAPTER 3: HEALTH AND SAFETY AT WORK

3.1 The WG recognises its legal duty to create and maintain a safe and healthy working environment to protect the safety and welfare of all employees, contractors and members of the public visiting the WG buildings or those who may be affected by the WG's operations.

3.2 Every employee has a responsibility to take reasonable care for their own safety and for that of others. All employees are required as follows:-

1. to fully co-operate with the WG in order for it to properly discharge its health and safety responsibilities and obligations;
2. not to act or fail to act in a way that will endanger the health and safety of themselves or others at work;
3. not to interfere with or misuse equipment which has been provided for work to endanger the health and safety of themselves or other employees;
4. to notify their line manager or other senior management regarding any accident or injury caused or sustained at work so that the WG may maintain an accurate written record in accordance with its legal requirements.
5. to read and comply with the provisions of the Health and Safety Policy operated by the WG from time to time, including obeying any instructions given by senior management in relation to health and safety issues.

3.3 Any failure to abide by the above requirements or to comply with any aspect of the WG's health and safety policy, rules, procedures, or duties in respect of health and safety issues will be regarded as a disciplinary matter and will be dealt with pursuant to the WG's disciplinary procedure.

Further Information

Employees are required to read the Health and Safety Policy operated by the WG, and the other information concerning health and safety at work published on the Health and Safety area of the Intranet.

CHAPTER 4: PAY

4.1 All staff will be paid in accordance with the terms set out in their letters of appointment and particulars of employment. The WG reserves the right to deduct salary in certain circumstances which are set out where appropriate in the relevant Chapters of this Code.

For further information relating to the policies and procedures governing all issues relating to pay including salary, overtime, holiday, sickness, pension etc employees are referred to the WG intranet site.

CHAPTER 5: DISCIPLINE

5.1 All employees of the WG are expected to maintain high standards of conduct, and are bound by the WG's rules relating to conduct as set out in this Terms and Conditions of Service, the Civil Service Code (see Annex A to Chapter 2), Security Rules and any other rules and procedures notified to employees from time to time.

5.2 The WG's Disciplinary Policy and accompanying Procedure must be properly applied in cases where conduct is unsatisfactory, and/or when there is reason to believe that an employee has:-

- breached the WG's standard of conduct as set out in this Code (including the WG's [Security Policy](#));
- been negligent in their duties; failed to obey a reasonable instruction; or has carried out some other form of misconduct;
- by their behaviour, action or inaction, disrupted or damaged the performance or reputation of their Division or the WG.

5.3 See also the following entries on the WG Intranet site:

[Appeals Against Management Decisions](#)
[Discipline](#)
[Dismissal](#)

CHAPTER 5: ANNEX A

The Discipline policy can be found on the [Discipline and Dismissal intranet page](#).

CHAPTER 6: GRIEVANCES

6.1 The WG recognises that from time to time, employees may have a problem or concern about their work, working environment or working relationships that they may wish to raise and have addressed.

6.2 Any such work related grievances should be dealt with in accordance with the WG's Grievance Policy and associated Procedure.

Further information

6.3 For further information about grievances, see the relevant section of the WG Intranet site

CHAPTER 7: APPEALS

Circumstances in which there is a right of appeal

7.1 There are numerous circumstances in which an employee will be entitled to a right of appeal against decisions which adversely affect them during the course of their employment.

7.2 The following is a non-exhaustive list of matters or decisions upon which an employee is entitled to exercise his / her right of appeal;

1. Crises of conscience – this relates to circumstances in which an employee has been, in his or her view, instructed to carry out his / her duty in a way which appears to be illegal, improper or unethical or otherwise in breach of the WG's constitution or the WG Civil Service Code;
2. Disciplinary action – employees will be entitled to appeal against any disciplinary decisions relating to their employment;
3. Political activities – employees are entitled to appeal against the refusal by the WG to allow participation in certain political activities;
4. Dismissal and early retirement – employees may be entitled to appeal against a decision to dismiss or retire them early;
5. Dismissals for capability reasons – employees will be given an opportunity to appeal against any decision to dismiss based on either poor performance or poor attendance;
6. Forfeiture of superannuation – employees are entitled to appeal against the withholding of superannuation benefits.

7.3 The above rights of appeal are in addition to the general procedure relating to grievances or complaints on a day to day basis relating to an employee's employment.

Procedure

7.4 The procedure relating to appeals will differ depending on the nature of the decision which is being appealed. For further information, see *Appeals* on the WG Intranet site.

7.5 See also: [Grievances](#) on the WG Intranet site.

CHAPTER 8: ATTENDANCE AND PERFORMANCE

General

8.1 The WG has a duty of care to each member of staff. It has a particular duty to support those who are away from the office due to sickness or injury.

But it also has a duty to those staff who are in the office, and who may be covering for colleagues work whilst they are away.

8.2 Absence from work will be dealt with in a fair, consistent and non-discriminatory manner and to help maximise attendance at work.

8.3 The WG has a legal duty to provide a safe place and safe system of work. The WG recognises this duty and will support staff when they are ill. However, it is also the WG's duty to ensure that all absences are legitimate and, if proved not to be so, that a robust line is taken. That line may lead to disciplinary action.

8.4 Equally, the individual member of staff has a legal duty to take due care of their health and not put themselves or others at risk. This includes taking adequate medical advice and treatment to overcome any health difficulties and not to do anything that may make their illness worse.

8.5 In addition, employees are expected to maintain a satisfactory level of attendance and an acceptable standard of work. Inefficiency procedures will apply where the work of an employee has deteriorated to an unacceptable standard.

8.6 The WG will do all it can to support an individual to improve performance. However, formal procedures leading up to dismissal may apply when informal and formal warnings have not produced sufficient improvement or when it is clear that management cannot help overcome the problem.

Informal and formal Warnings

8.7 Informal and formal warnings may be given when an employee fails to achieve a satisfactory attendance level or when the work of an employee falls below an acceptable standard.

Right to dismiss on grounds of inefficiency

8.8 The WG has the right to terminate employment on grounds of inefficiency if unsatisfactory attendance or performance does not improve.

Right of appeal

8.9 Staff who are dismissed on grounds of unsatisfactory attendance or performance have rights of appeal.

Further information

For further information on managing attendance and performance, see the relevant sections on the WG Intranet site.

CHAPTER 9: WORKING HOURS AND FLEXIBLE WORKING

- 9.1 The number of hours that employees are contracted to work is detailed in their individual employment contracts. Any employee who fails to meet this contractual requirement may face disciplinary action or action taken under the WG's policies and procedures relating to attendance. Any change to the employee's number of contracted hours must be agreed by both the line manager and the employee and will constitute a variation by agreement to the employee's contract.
- 9.2 The WG reserves the right to require employees to work excess hours or at weekends or on public and privilege holidays.

Flexible Working

9.3 A permanent member of staff at the WG has the statutory right to request a variation to his/her contract to enable him/her to work flexibly (which may include a request to work from home) provided that he/she:

- (a) has completed 26 weeks continuous service with the WG ; and
- (b) is either:
 - (i) the mother, father, adopter, guardian or foster parent of a child under 16 years of age (or 18 in the case of a disabled child);
 - (ii) married to or the partner of the child's mother, father, adopter, guardian or foster parent; and
- (c) has, or expects to have responsibility for the child

9.4 There is no guarantee that such a request will be granted. The WG will consider each request individually.

Further information

9.5 For further information on working hours and related issues, see the relevant sections on the WG Intranet site.

CHAPTER 10: HOLIDAYS

Annual Leave

10.1 Full time employees are entitled to 31 days annual leave each year. Part-time employees are entitled to a proportion of this allowance, pro-rated according to their working hours. For members of the SCS, the allowance is 25 days on entry (plus 8 days public and 1 privilege holiday). [See Annex A of the Annual Leave Policy](#)

10.2 All employees have an entitlement to the statutory minimum holiday as determined by the Employment Rights Act 1996. Contractual leave will be deemed to include any entitlement to statutory leave.

10.3 There is no entitlement to take annual leave at a particular period of the leave year although the WG will endeavour to grant requests made by

employees where possible. Employees may be requested in exceptional circumstances to take annual leave at the request of the WG.

Public and Privilege Holidays

10.4 In addition to their annual leave, full-time employees are entitled to 8 Public Holidays and 2 Privilege Holidays each year (for SCS see 10.1 above). Part-time employees are entitled to a proportion of this allowance, pro-rated according to their working hours. The Public and Privilege Holiday policy can be accessed from the [annual leave and holidays intranet page](#).

Deduction from salary

10.5 Upon termination of employment, exceptionally, employees will be paid in lieu of accrued but untaken leave, although every effort must be made to take annual leave before the last day of service. In the event that an employee has taken more annual leave than that to which he or she was entitled at the time of leaving, an equivalent amount of salary will be deducted from final salary.

Accrual of annual leave

10.6 Statutory leave entitlement will continue to accrue at all times whilst the employee continues to be employed. Contractual leave will only continue to accrue in the following circumstances:

- a) during periods of paid sickness absence (at half the rate of annual leave while on half-pay sick absence);
- b) during maternity, paternity (including Additional Paternity Leave) , adoptive and fostering leave;
- c) during periods of secondment; and
- d) during periods of paid special leave.

Accrual of Public Holidays

10.7 Public Holidays will continue to accrue in the following circumstances:

- a) during maternity, paternity and co-parental leave (including Additional Paternity leave) and adoption leave
- b) during periods of secondment.

Forfeiture of Annual Leave

10.8 Any employee dismissed for gross misconduct will forfeit their entitlement to contractual annual leave but will still be permitted to be paid in lieu of any accrued but untaken statutory leave at the time of dismissal.

Further information

10.9 For further information about annual leave and public and privilege holidays, and the calculation of pro-rata entitlements for part-time employees, see the [Annual Leave](#), [Public and Privilege Holidays](#) and [Part-time Working](#) policies on the WG Intranet site.

CHAPTER 11: MATERNITY, PATERNITY, ADOPTION, FOSTERING AND PARENTAL LEAVE

11.1 The WG offers maternity, paternity, additional paternity leave, adoption, fostering and parental leave to eligible employees. For full details of eligibility criteria and entitlements, as well as application procedures etc, [see Maternity Leave, Paternity Leave, Adoption Leave, Fostering Leave and Parental Leave on the WG Intranet site.](#)

CHAPTER 12: SPECIAL LEAVE AND CAREER BREAKS

12.1 Employees may be granted special leave, with or without pay. Except where there is a statutory right to special leave for certain purposes, employees do not have an entitlement to special leave or career breaks, which will be granted at the discretion of the WG. These statutory rights are contained in the Employment Protection (Consolidation) Act 1978, as amended by the Trade Union and Labour Relations (Consolidation) Act 1993, and in the Employment Rights Act 1996, as amended by the Employment Relations Act 1999 and the Employment Act 2002.

12.2 The reasons for which employees may be given special leave include but are not limited to:

- Domestic reasons, including:
 - if a dependant falls ill, is injured or assaulted or gives birth;
 - on the death of a dependant or close relative;
 - to make arrangements for care of an ill or injured dependant;
 - to deal with disruption or breakdown of care arrangements;
 - to deal with an unexpected incident involving the employee's child during school hours;
 - to deal with damage or disruption to property;
 - to manage the transfer of employment to a new area.
- Other reasons including:
 - Time off for Safety Representatives to attend relevant training courses
 - Attendance at civil service societies' activities
 - Local government activities, school governing bodies and unpaid voluntary service
 - Attending training courses in the voluntary public sector
 - Participation in certain sports events
 - Participation in the Duke of Edinburgh Gold Award
 - To attend youth leadership training courses

- To attend full-time work outside the Civil Service
- Parliamentary elections
- Attendance at legal proceedings
- Participation in Civil Service examinations and further education
- Study and sabbatical leave
- Reserve forces training
- Cadet forces training
- Industrial relations and trade union activities.

Career Breaks

12.3 Career breaks of between 3 months and up to a maximum of 5 years may be granted to staff and this will be on an **unpaid** basis. Applications for career breaks will be based on individual circumstances and granted at the discretion of the WG.

Further information

Further information can be found in the relevant sections of the [WG Intranet site](#).

CHAPTER 13: LEAVING THE WELSH GOVERNMENT (WG)

Action Before Leaving the WG

13.1 All employees who leave the employment of the WG are reminded of the following obligations:-

- a) the Official Secrets Act 1989 and duties of confidentiality continue to bind every staff member after leaving the WG;
- b) consent is required before any memoirs relating to working at the WG are published or broadcast;
- c) that the rules relating to any subsequent appointments may be applicable and should be reviewed before any such appointment is accepted.

For further information on the above see Chapter 2 of this Code.

Notice Periods

13.2 An employee of the WG is a civil servant and, as such, does not have a right either by virtue of statute or contract to a period of notice on termination of employment. In practice the Welsh Government will normally apply the periods of notice set out below:

- The appointment may be terminated by the provision of 1 months notice for employees at Team Support or Management Band and CADW seasonal workers.

- If an employee at these levels decides to terminate their appointment, they must give at least 1 months notice.
- The appointment may be terminated by the provision of 3 months notice for employees at Executive Band.
- If an employee at this level decides to terminate their appointment, they must give at least 3 months notice.

Different notices periods apply in the case of dismissal on grounds of limited efficiency, structural grounds, age retirement, ill health retirement, voluntary exit and voluntary or compulsory redundancy.

Further information can be found in the relevant sections of the WG intranet site.

13.3 The WG reserves the right to provide pay in lieu of any period of unexpired notice.

Resignation

13.4 When an employee wishes to tender his or her resignation, the WG will expect to receive the resignation in writing and providing the following period of notice:-

- a) Executive Band 2 and above – 3 months
- b) Management Band 1 and below – 4 weeks
- c) Casual staff – 1 week (unless a letter of appointment specifies a longer period).

Further Information

For further information about leaving the WG, including matters relating to retirement, pension, requests for references or any other issues, see the relevant sections of the [WG Intranet site](#).

CHAPTER 14: RETIREMENT AGE

14.1 For employees below the Senior Civil Service the WG operates a flexible retirement policy. Subject to their continuing to meet the normal criteria for conduct, attendance, fitness and efficiency employees may retire at a date of their choosing. Employees should refer to the rules of their pension scheme for information about their pension entitlements.

14.2 Employees in the Senior Civil Service will also be able to choose when they retire subject to their continuing to meet the normal criteria for conduct, attendance, fitness and efficiency..

14.3 The WG may compulsorily terminate employment below age 65 through:

- medical retirement;
- redundancy;
- dismissal for poor performance, poor attendance or misconduct.

Further information

For further information about the WG's retirement policies see [Retirement](#) on the WG Intranet site.

CHAPTER 15: EMERGENCIES

15.1 When the WG has determined that an emergency exists, employees are required to report for duty as normal unless given specific authority by the WG to do otherwise. It is the duty of every employee to carry out whatever WG or other Civil Service work is reasonably required of them.

15.2 Where employees are given specific authority not to report for duty as normal the WG will issue instructions which may include provisions that employees should:

- work at home;
- take annual leave;
- report to another Government office nearer their home (in which case the provisions below on getting to work will apply);
- volunteer for other work in connection with the emergency.

Further information

For further information on duties and responsibilities during an emergency, see [Emergencies](#) on the WG Intranet site.

CHAPTER 16: RECOVERY OF LOSSES TO PUBLIC FUNDS: FORFEITURE OF SALARY, WAGES AND SUPERANNUATION BENEFITS

16.1 The WG reserves the right to withhold payment of salary or WGe's or income tax overpaid on salary in order to set off any loss to public funds caused by an offence committed by a staff member who has been dismissed or has resigned prior to dismissal.

16.2 Circumstances in which a civil servant is convicted of treason may render that staff member subject to an automatic loss of pension rights.

16.3 The Cabinet Office also exercises a power under Rule 8.2 of the Principal Civil Service Pension Scheme to withhold the superannuation benefits in whole or in part of a civil servant or former civil servant convicted of certain offences under the Official Secrets Act 1989 or offences which a Minister of the Crown perceives to have been extremely detrimental to the

WG, government or state or will be liable to lead to serious loss of confidence in the public service.

16.4 Employees may appeal against a decision to withhold payment of salary or WGes or superannuation benefits. See Chapter 7 of this Code.

Further information

See also [Recovery of Losses to Public Funds](#) and [Appeals](#) on the WG Intranet site.