

## States of Guernsey

### Conduct Directive

Constraints are necessary in the conduct of members of the Established Staff so as to maintain vital principles of public service:-

- The community has a right to expect an efficient and economical service.
- The community has a right to expect absolute confidentiality.
- The community has a right to expect absolute impartiality of treatment in accordance with the law and with States policies.

Standards of behaviour, dress and speech must be such as to enhance and not weaken these principles. Much of this is common sense but there are more formal standards which every Civil Servant has to observe and these are dealt with in the remainder of this section.

#### 1. Civil Service Code

Every Civil Servant is required to abide by the Civil Service Code.

The Civil Service Code sets out the standards of behaviour expected of Civil Servants and the duties that Civil Servants owe to States Members, the public and other organisations the Civil Service works with and its many customers.

The full Civil Service Code is included at the end of this Directive.

#### 2. Secrecy

Every new Civil Servant has to sign a declaration of secrecy witnessed by his or her principal officer who sees to it that a copy is sent to the HUB where it is put on the Civil Servant's personal records.

The declaration is a condition of service and disciplinary action will be taken in any case in which a Civil Servant contravenes this condition.

The declaration reads:-

<p><i>I, _____, promise that I will not, either directly or indirectly, divulge to any person, except when lawfully authorised or directed so to do, any confidential information which I may acquire by virtue of my employment or which may come to my knowledge through the performance of my duties anywhere within the States of Guernsey. I also understand that this obligation continues to apply after the termination of my employment.</i></p>
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#### 3. Expression of Opinion

In addition to the principles of public service stated at the beginning of this Directive, Civil Servants must discharge loyally the duties given to them by the States and States' Committees. Members of the States and the public must have confidence that Civil Servants' personal opinions do not cut across the discharge of their official duties.

Within this context and mindful of these responsibilities, Civil Servants may express their opinions publicly concerning States and political issues.

In doing so they must:-

- take care to express comments with moderation bearing in mind their position i.e. their grade; closeness to policy issues; committee work etc.; and
- have regard to the need to maintain a good working relationship with their employer; and
- not do or say anything that would inhibit or appear to inhibit loyal and effective service to the States of Guernsey.

While expression of opinion is permitted as detailed above, it does not extend to Civil Servants:-

- commenting by reference to material that remains confidential; or
- making public personal attacks on colleagues, States members or public officials.

Members of staff seeking clarification of the above should talk in the first instance to their Line Manager or Chief Secretary.

Infringement of this directive could result in disciplinary action.

#### **4. Issue of Unauthorised Information**

Unless authorised by or on behalf of the Office of the Controlling Committee, no member of the Established Staff shall issue information to anyone on matters affecting their service.

#### **5. Disclosure of Malpractice**

Employees will often be the first to become aware of malpractice and, in accordance with the States of Guernsey Whistleblowing Policy, it is their duty to draw the attention of their managers to suspected wrongdoing or dangers at work. This may include but is not limited to:

- (a) clinical, professional, or managerial malpractice including for example, abuse of patients, learners, prisoners, service users or employees;
- (b) criminal activity which has been committed or likely to be committed;
- (c) miscarriages of justice;
- (d) failure to comply with a legal duty;
- (e) danger or concerns about health and safety including not complying with legislation;
- (f) damage or the risk of damage to the environment;
- (g) failure to comply with any legal [or professional] obligation or regulatory requirements;

- (h) financial irregularities including fraud or suspected fraud or mismanagement;
- (i) embezzlement or misappropriation of property;
- (j) offering, giving, soliciting or receiving bribes in any form within the Bailiwick of Guernsey or abroad;
- (k) the acceptance of facilitation payments;
- (l) misuse of position or influence for personal advantage;
- (m) trading in influence to secure undue advantage;
- (n) showing undue favour over a contractual matter;
- (o) negligence;
- (p) breach of employee codes of conduct, rules and internal policies and procedures;
- (q) conduct likely to damage the reputation of the States, its Services or Committees;
- (r) unauthorised disclosure of confidential information;
- (s) the deliberate concealment of any of the above matters.

It is expected that in many cases an employee will be able to raise any concerns with their line manager, either in person or in writing. However, where the matter is more serious, or when an employee feels their line manager has not addressed their concern, or indeed the employee would prefer not to raise it with them, then one of the following should be contacted:

- (a) The Whistleblowing Officer, Zain Chesshire, Head of Assurance, and/or the Whistleblowing Deputy Officer, Tim Langlois, HR Director;
- (b) Our confidential and secure telephone hotline;
- (c) The Chief Secretary responsible for the relevant Service.

Contact details are set out at the end of the Whistleblowing Policy.

The employee may be accompanied by a representative of the Association of Guernsey Civil Servants, Trades Union Official or a work colleague. The matter will be dealt with in the greatest possible confidence and, regardless of the outcome, no detrimental action will be taken against anyone who makes a report in good faith.

To safeguard the employee, a record of the report will be signed and handed to the employee as evidence that the report was made.

If the suspected malpractice involves a Chief Secretary, the matter should be reported to the Chief Executive.

## **6. Radio and Television**

There is no restriction on a Civil Servant broadcasting in a purely personal capacity on matters which have no bearing on his or her official duties and when ordinarily no mention will be made of his or her service or of his or her official position.

In all other circumstances the prior permission of the Chief Secretary of the Office of the Controlling Committee is required to the participation of a Civil Servant in a radio or TV programme and the responsibility for obtaining that permission lies with the Civil Servant (through his or her Chief Secretary).

In deciding whether permission should be granted the overriding consideration is that a Civil Servant should in no circumstances become publicly involved in any matter of political controversy. It will be obvious that he or she should not take part in a broadcast discussion on the merits of a policy which is, or may become, a matter of controversy in the States. But even a factual statement on such a subject may be open to misconstruction, and it is preferable that Civil Servants should not broadcast at all on such subjects.

These considerations need not prevent the use with the express authority of the Office of the Controlling Committee of radio or television as a means of disseminating factual information on official activities which are of general public interest, e.g. information about services officially provided for the public and guidance in making use of them. Nor will any difficulty normally arise over talks by experts on technical subjects which do not involve considerations of policy. But no matter of policy may be the subject of a broadcast by a Civil Servant or any person in the employment of the States. It should be kept constantly in mind that public justification of the policy of the States or of a States Committee is not the function of Civil Servants.

Broadcasting authorities sometimes prefer that a speaker's name should be given and when a Civil Servant broadcasts as a spokesperson for his or her Service, the observance of the convention of anonymity need not always be insisted upon. From the Service point of view, however, there are advantages in avoiding as far as possible disclosure of the name or official position of an official spokesperson. There may be some risk in making it apparent that the speaker holds an official position which enables him or her to influence the formulation of policy.

## **7. Private Work and Interests**

A member of the Established Staff shall not, without the consent of the States of Guernsey, engage in any other business or occupation or take up any appointment in any capacity whatsoever, whether done as a partner or as a director or an official of a company or otherwise.

Generally, the States of Guernsey will give consent to requests from members of the Established Staff for permission to undertake private work provided that it:-

- a) does not act to the detriment of their work in the Civil Service; and

b) is not incompatible with their work or status.

In determining whether requests for private work might act to the detriment of an Officer's work, Chief Secretaries should take into account both

- the possible 'physical' consequences such as tiredness, loss of concentration, etc.; and
- appropriateness (e.g. senior staff should not normally be given permission for work that is incompatible with their status and professional staff should not normally be given permission to carry out work which uses their professional qualifications).

Where a possible conflict with an Officer's work in the Civil Service could occur or be perceived or where possible embarrassment could be caused, permission for private work should not be given.

If a Chief Secretary rejects a request from a member of the Established Staff for permission to undertake private work, he or she may ask that the request be referred to the HR Director – Service Delivery whose decision will be final.

A member of the Established Staff shall also declare to the States of Guernsey any other financial interests or activities undertaken for financial gain that may raise a possible conflict of interest with their work. Employees shall avoid conflict between personal interest and the public interest and resolve any conflict between the two, at once, and in favour of the public interest.

### **General Notes**

**Warning** - any infringement of the above by members of the Established Staff could result in disciplinary action.

**Hours** - the number of hours that can be worked are not restricted. Each chief Secretary has been delegated authority to determine what is reasonable in the light of (a) and the first bullet point above.

**Review** - it is recommended that the chief Secretary should review the agreement with its employee on an annual basis to ensure that the above criteria are still being met.

**Advice** - if advice regarding the interpretation of this directive is required, please consult with an HR Business Partner.

Infringement of any of the above can result in disciplinary action.

**Tim Langlois**  
**HR Director – Service Delivery**  
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