

CODE OF PRACTICE FOR MEMBERS OF THE CIVIL SERVICE APPEAL BOARD

Introduction

1. The Civil Service Appeal Board is an advisory non-departmental public body which is sponsored by the Minister for the Cabinet Office. Its remit is to hear appeals from civil servants against:

- dismissal and early retirement;
- non-payment of compensation or the amount of compensation paid on dismissal on inefficiency grounds;
- refusal to allow participation in political activities; and
- forfeiture of superannuation.

2. The Minister for the Cabinet Office is answerable to Parliament for the policies and performance of the Board, including the policy framework within which it operates.

3. As a public body it is important that at all times the Board should be seen to be acting impartially and with integrity. Accordingly members of the Board must abide by the following principles.

Public Service Values

4. All Board Members must at all times:

- observe the highest standards of **impartiality, integrity and objectivity** in relation to the decisions they make and the way the Board operates;
- be **accountable** to Parliament and the public more generally for the Board's activities and for the standard of decisions it makes;
- in accordance with Government policy on **openness**, comply with the Code of Practice on Access to Government Information where appropriate;
- follow the Seven Principles of Public Life set out by the Committee on Standards in Public Life (annexed).

5. They must not:

- misuse information gained in the course of their public service for personal gain or for political purpose, nor seek to use the opportunity of public service to promote their private interests or those of other interested parties;

- hold any paid or high-profile posts in a political party, or engage in specific political activities on matters directly affecting the work of the Board. When engaging in other political activities, Board Members should be conscious of their public role and exercise proper discretion.

Role of Board Members

6. Members of the Board have collective responsibility for its operation. They must therefore:

- ensure they understand their duties, rights and responsibilities, and that they are familiar with the function and role of the Board and any relevant statements of Government policy. Board Members must undertake an induction course prior to sitting as a new member and attend refresher training as required;
- apply their knowledge and experience by engaging fully in collective consideration of the issues of each case, taking account of the full range of relevant factors, including any guidance issued by the Chair or any general guidance;
- agree an Annual Report;
- ensure that the Board does not exceed its powers or functions.

7. Communication between the Board and the Minister will generally be through the Chair except where the Board has agreed that an individual member should act on its behalf. Nevertheless, any Board Member has the right of access to Ministers on any matter which he or she believes raises important issues relating to his or her duties as a Board Member. In such cases the agreement of the Chair should normally be sought.

8. Individual Board Members can be removed from office by the Minister if they fail to perform the duties required of them in line with the standards expected in public office.

Role of the Chair

9. The Chair has particular responsibility for providing effective leadership on the issues above. The Chair is also responsible for:

- chairing hearings personally and preparing the report for each hearing (or delegating the task to one of the deputies);
- ensuring that the Board as a body meets in public at least once a year, and that the minutes of meetings accurately record the decisions taken and, where appropriate, the views of the individual Board Members;
- representing the views of the Board to the general public;

- taking part in the appointment of the Secretary of the Board and in the selection process of Board Members in line with OCPA guidance, ensuring that new Board Members are briefed on appointment (and their training needs considered), and providing an assessment of their performance on a yearly basis and when members are considered for reappointment to the Board;
- dealing with complaints;
- ensuring the Code of Practice on Access to Government Information (including prompt responses to public requests for information) is complied with where appropriate.

Handling Conflicts of Interest

10. Board Members should avoid any danger of being influenced or appearing to be influenced by their private interests in the exercise of their public duties. All Board Members must therefore on appointment declare any personal interest which may, or may be *perceived* (by a reasonable member of the public) to, influence their judgement. This should also include such interests of close family members and of people living in the same household.

11. No members should consider an appeal involving their former department or agency for at least three years after joining the Board.

12. A declaration of any subsequent interest must be made in writing to the Secretary of the Board as soon as the member becomes aware of one, preferably upon receipt of appeal papers.

13. The register of interests will be open to the public.

Personal Liability of Board Members

14. Legal proceedings by a third party against individual Board Members of advisory bodies are very exceptional. A Board Member may be personally liable if he or she makes a fraudulent or negligent statement which results in a loss to a third party; or may commit a breach of confidence under common law or a criminal offence under insider dealing legislation, if he or she misuses information gained through their position. The Government has indicated that an individual Board Member who has acted honestly and in good faith will not have to meet out of their own personal resources any personal civil liability which is incurred in the execution or purported execution of their Board functions, save where the person has acted recklessly. Board Members who need further advice should consult the sponsor department.

Cabinet Office

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THE SEVEN PRINCIPLES OF PUBLIC LIFE

Selflessness

Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

Integrity

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.

Objectivity

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

Accountability

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

Openness

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

Honesty

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interests.

Leadership

Holders of public office should promote and support these principles by leadership and example.