

Interim Guidance

Natural England

Regularity and Propriety

Introduction

1. All Directors and Staff are expected to be familiar with and comply with Natural England's overall Staff Code of Conduct (still to be published). These guidelines are to assist, where appropriate, in demonstrating compliance with the principles of that Code.

Registering Interests with a personal or prejudicial interest

2. Board members and senior staff are required to register any personal interests that may be considered to be a potential conflict of interest with their role within Natural England. Potential prejudicial interests should be declared at appropriate times in both internal and external meetings and you should withdraw from the discussion. A detailed procedure on Understanding and Registering Interests is being developed.
3. All staff should make their Line Manager aware if there is any potential for perception that there may be a conflict of interests in any activity they undertake on behalf of Natural England.

Letting of Contracts with a personal or prejudicial interest

4. Natural England contracts are not to be let to any member of staff, or to any partnership of which you are a member (except to a corporation in which you are a shareholder) (see Relations with outside organisations and Shareholding) or to any company of which you are a director.
5. The exception is where you have disclosed fully the measure of your interest in the contract and Natural England has given permission for the letting of the contract to proceed.
6. You must not accept a directorship, except as a nominee of Natural England, in any company holding a contract with Natural England without line management approval. Where you come into official contact with any matter concerning a business organisation in which you have an interest you must immediately disclose your interest to your line manager, and ask that some other member of staff deal with the matter.

Purchases from, and sales to, Government Departments

7. Natural England may not buy from or sell to members of staff, except as authorised by the Treasury. As a public servant you are, of course, free to buy articles that are on general public sale, e.g. Stationery Office publications, National Savings Certificates etc. You are also free to buy surplus Government stores offered for sale to the public unless;
 - a. you have, because of your official position, been able to obtain special knowledge about the condition of the goods to be sold; or

Interim Guidance

- b. you have been officially associated with the disposal arrangements; or
 - c. you wish to buy the goods for re-sale and not for yourself.
8. You should not act as agents for third parties where these conditions apply. If you are not sure whether it would be proper for you to buy an article you should not do so.

Outside occupations or involvement in other organisations

9. You are not allowed to accept any post in the management of any society, or any trading, commercial, industrial or financial firm or company which would require your regular attendance at any time during normal contracted working time.
10. However, Natural England supports the participation of staff in activities such as membership of reserve forces or certain public duties and by arrangement with your line management, a limited amount of time can be made available to undertake these duties.
11. You must not engage in any occupation or undertaking, which might in any way conflict with the interests of Natural England, or be inconsistent with your position as a public servant. You should register any interests you have in areas that may co-incide with the interests of Natural England.

Political Activities

12. As a public servant in an organisation that advises elected members of government and carries out government policies, you must behave with discretion in matters of public and political controversy so that your impartiality is beyond suspicion. Team Managers and other senior staff occupying higher posts within Natural England should not normally take an active part in any matter, which is, or could be, one of public and political controversy, whether or not it is one with which you are officially concerned. If for any reason you feel compelled, as a private citizen to do so, you should, in the first instance, consult your Line Manager.
13. Senior Management of Natural England should not take part in the following activities without appropriate approval.

National Political Activities

- public announcement as a candidate or prospective candidate for Parliament or the European Assembly;
- holding office in party political organisations impinging wholly or mainly on party politics in the field of Parliament, or the European Assembly;
- canvassing on behalf of a candidate for Parliament or the European Assembly or on behalf of a political party;
- speaking in public on matters of national political controversy unless clearly stating agreed Natural England policy;
- expressing views on such matters in letters to the Press, or in books, articles or leaflets unless clearly stating agreed Natural England policy.

Local Political Activities

Interim Guidance

- candidature for, or co-option to, principal local authorities;
- holding office, in party political organisations, impinging wholly or mainly on party politics in the local field;
- canvassing on behalf of candidates for election to principal local authorities or a local political organisation;
- speaking in public on matters of local political controversy, unless clearly stating agreed Natural England policy;
- expressing views on such matters in letters to the Press, or in books, articles or leaflets unless clearly stating agreed Natural England policy.

Trade Union Activities and Political Activities

14. You do not need permission to take part in activities organised by your Trade Union and it is not the intention to prevent or deter you from taking part in such activities.
15. If your post falls within the politically restricted group and you are elected as a trade union representative, you are bound by the rules on political activities when not acting in a trade union capacity.
16. If you are elected as a trade union representative you may comment on government policy when representing the legitimate interests of your members, but in doing so you must make it clear that you are expressing views as a representative of the union and not as representative of Natural England.

Authority to act on behalf of Natural England

17. All agreements and contracts, both in pursuance of Natural England's statutory objectives or commercially for sale or purchase, or quasi-contracts formal or informal, require approval in accordance with the approved Scheme of Delegation. You must not act beyond your own authority, but must obtain approval as necessary from your line manager. The same applies to any departure from the terms of a contract, or foregoing any damages or penalties, or giving a contractor special treatment in any way.

Acceptance of Gifts, Rewards and Hospitality

18. There are no circumstances in which it is permissible to accept anything that could be construed as a personal reward for a service or transaction performed as part of your official duties. The general principle is that gifts and hospitality should be refused. There are exceptions to this rule in the cases of: gifts of a trivial or inexpensive and seasonal nature; or hospitality accepted as part of normal and public ongoing relations with other bodies ([see Annex A](#)).
19. Any gift or hospitality should be reported and, normally, the item should be not accepted or returned to the sender with a suitable explanation. The guiding principles are:
 - your conduct must not foster the suspicion of any conflict between your official duty and your private interest;
 - your actions whilst acting in an official capacity must not give the impression (to any member of the public, organisation with whom you deal or to colleagues)

Interim Guidance

- that you have been or may have been influenced by a gift or consideration to show favour and disfavour to any person or organisation; and
- gifts or hospitality must be refused if either you as the individual or your senior management is in any doubt about the propriety of accepting them.
20. It does not matter therefore that there may in fact be no conflict of interest or impropriety; any conduct that might foster such a suspicion is wrong. Subsequent payment for, or reciprocity of, any gift or hospitality does not legitimise its unauthorised receipt. Nor is practice in the private sector any justification for a breach of the standards of conduct required in the different circumstances of public service.
21. You should record the offer or receipt of any kind of gift or hospitality in writing in your team's Gifts and Hospitality Register. Wherever practicable, your line manager should in advance decide on the propriety of acceptance.
22. If a gift is offered in circumstances where it is not practicable to seek authority from your line manager before deciding whether to accept (e.g. a visitor may press upon the person visited a small token gift), you should record in your team's Gifts and Hospitality Register, the circumstances and the reasons for the action taken.
23. The onus is on you to record every case, with your assessment of the correct course of action in the light of this guidance. The risk of causing offence by refusal is not sufficient reason on its own for acceptance where it would otherwise be improper to accept.
24. The requirement to report gifts, hospitality and awards arising from official activity applies equally where the beneficiary is a relative or associate, e.g. where a gift is made to a spouse/partner or employment is offered to a friend. See [Annex A](#) for examples.

Gifts from Overseas Governments and Organisations

25. Special considerations apply to gifts and hospitality from overseas governments or organisations. Although the principles set out above apply generally to such gifts, there may be occasions when refusal could appear discourteous or a gift should be offered in return. Advice should be sought from a Governance or OD specialist in cases of doubt.
26. The normal Customs rules apply to gifts received abroad in a private capacity and need not be declared to Customs unless the value together with other articles acquired exceeds the normal allowance for gifts and all other goods.
27. Special arrangements exist for international goodwill gifts received by Board Members or staff in their representative capacity. Further details of the arrangements are available from a Governance or OD Specialist.

Relations with outside organisations

28. If you make decisions in an official capacity, which relate to an outside organisation or individual in whom you have a personal interest, you must report the circumstances immediately through your line manager. This applies equally if you contribute to such

Interim Guidance

decisions or have knowledge in an official capacity of the relevant area of Natural England work.

29. You must not handle any official business where, because of private interests, your actions could be open to misunderstandings.
30. You must not carry out any private business transaction with an outside organisation with which you had official dealings on behalf of Natural England unless, exceptionally, specific written approval is first obtained.
31. In all cases, reports must be made in writing through your line manager, who will consider whether there is a possible conflict of interest or reasonable grounds for a public perception of impropriety and advise accordingly in writing.

Shareholdings and Insider Dealings

32. You may freely invest in shareholdings and other securities unless the nature of your work is such as to require constraints on this. You must not be involved in taking any decisions which could affect the value of your private investments, or the value of those in which you give advice to others, or use information acquired in the course of your work to advance your private financial interests or those of others. As well as being an abuse of position, improper use of information could also amount to insider dealing which is a serious criminal offence under the Criminal Justice Act, 1993.
33. If you have a shareholding which may conflict with your duties with Natural England, either now or in the future as a result of new share-holdings or change to new duties, you must report this to your line manager. It is your responsibility to ensure that you act within the law and within Natural England rules. Even if not a criminal offence under the insider trading legislation, a breach of these requirements may make you liable to disciplinary proceedings.

Conduct of Private Financial Affairs

34. You are not allowed to lend money to any other member of the staff as a matter of business. You are not allowed to borrow money or attempting to borrow money from a member of staff, the public or other persons (e.g. staff of local authorities and the like), with whom you are brought into contact during the course of your official duties. This is strictly prohibited and will make you liable to disciplinary action.
35. Natural England expects you to conduct your private financial affairs in a satisfactory manner. In the event of the conduct of your private financial affairs being brought adversely to the notice of Natural England, it may become necessary to consider disciplinary action.
36. Should you become bankrupt or insolvent you must immediately report the fact to your line manager. Failure to do so is a disciplinary offence. As soon as you become bankrupt or insolvent, you must at the earliest possible moment submit a complete statement of the facts of your case to your Line Manager, who in conjunction with Organisational Development, will decide whether or not the circumstances call for any disciplinary action. You should be aware that, if you become bankrupt or insolvent and

Interim Guidance

have committed any act of dishonesty or have otherwise acted discredibly, you would be liable to dismissal.

37. Pending the result of management inquiry into your case, you may continue in post, unless there is reason to believe that public monies have been or are likely to be involved: in which case you will be suspended from duty. If there is evidence of the misappropriation of public monies, you will be liable to prosecution.
38. In no circumstances will you, once you become bankrupt or insolvent, be employed on duties involving the handling of public money.

Electronic Data Issues

39. All electronic transactions made using Natural England equipment are the property of Natural England. All computer transactions, including e-mail and web activity are stored, backed up and recoverable in case of loss or accidental deletion. They will be inspected only if there are concerns raised that the facility is being abused. If this occurs staff will be informed along with line management and Trade Union side.
40. In accordance with the Data Protection Codes of Practice, Natural England's IT service provider will monitor traffic levels more broadly in order to track patterns of use and anticipate system needs, but Natural England will investigate or inspect only if it has reason to believe that a system is being used excessively, to commit an offence or in an unauthorised manner.
41. Staff are responsible for maintaining the confidentiality of Natural England's data and information on all its electronic systems.
42. Further details in [Annex B](#)

Arrest or Conviction on Criminal Charges

43. Should you be arrested and refused bail on any charge you must immediately take all reasonable steps to inform your line manager.
44. If you are convicted or found guilty of any criminal offence (except a traffic offence with a non-official vehicle for which the penalty has not included imprisonment or the suspension of driving licence) you must immediately report the conviction to your line manager. This paragraph applies even where a court has given an absolute or conditional discharge.

Personal Approaches to Staff: Attempted Corruption

45. You should be aware of the possible dangers confronting public servants from attempts by people to seek an unfair advantage or favourable assistance in matters dealt with by public authorities. If you are employed in certain sensitive areas where you have or might be thought to have discretion to confer a privilege or an authority to the benefit of an applicant you are particularly liable to be subjected to approaches from persons seeking to influence decisions either by offering bribes or other inducements or by

Interim Guidance

placing you in a compromising position. However, you should realise that the threat to you from such attempts is not limited to any specific area of Natural England responsibilities; any member of staff could be subjected to attempts to gain unfair advantage, including efforts to obtain and misuse Natural England's identity and equipment.

46. The form of an attempt to corrupt may vary from a blatant offer of money to a more subtle approach, beginning with seemingly innocent offers of hospitality from persons who at the outset ask no favours in return. Enquiries made with some plausible explanations about your own or a colleague's private life, address or telephone number should be regarded with suspicion. Similarly, enquiries from people who display an outward interest in the domestic arrangements of the office (e.g. allocation of duties) or in the machinery of Natural England's functions should also be treated with caution.
47. If you suspect that an attempt to obtain favours from yourself or Natural England by corrupt means has been, or is about to be made, you should report this suspicion to your line manager immediately, or if you feel more comfortable use the [Whistleblowing procedure](#).

Openness and Transparency

48. We are committed to promoting and actively developing a culture of openness, transparency and customer focus. We will respect personal privacy and be as open as possible about all the decisions and actions we take. We will give reasons for our decisions and restrict information only in line with our responsibilities under the Environmental Information Regulations 2004 and the Freedom of Information Act 2000.

Matters of Conscience

49. You may exceptionally be asked or instructed by your management to do (or not to do) something, which raises for you a fundamental issue of conscience. You may believe that what is required of you is illegal, improper or unethical; is in breach of constitutional convention or a professional code; or is otherwise inconsistent with the standards which public servants are expected to uphold.
50. You should discuss the matter with your line management. You may also seek advice and support from your trade union representative. If necessary, and if the problem cannot be resolved you may take the matter up with your Director or Executive Director.
51. You also have the right to raise matters of conscience in confidence with a nominated official, under the [Whistleblowing procedure](#), in line with provisions on [The Public Interest Disclosure Act 1998](#). Normally this should be exercised only where other internal avenues of appeal have been exhausted or seem inappropriate. If the matter still cannot be solved on a basis that you are able to accept, you must either carry out the instruction, or resign from the service.
52. Even after resignation you are still bound to keep the confidence to which you have become privy as an employee of Natural England.

Interim Guidance

Links

Financial Scheme of Delegation	EG N2
Non Financial Scheme of Delegation	EG N3
Whistleblowing Procedure	EG P5
Anti-Fraud Policy and Procedures	EG P4

Acceptance of Gifts, Rewards and Hospitality

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Gifts

Offers which might be approved

Isolated trivial or inexpensive gifts
e.g. pocket diaries, calendars etc.

Offers which SHOULD NOT be accepted

All other gifts, including the offer of items or
services at trade or discount prices
e.g. clothing, goods, holidays or holiday travel.

Hospitality

Offers which might be approved

Modest conventional hospitality, provided that:

- a. acceptance is limited to isolated occasions; and
- b. acceptance can be shown to be in the interest of Natural England (Staff seniority is relevant here).

Offers which SHOULD NOT be accepted

All other hospitality including:

- a. invitations to frequent or extravagant social functions (particularly invitations from the same source).
- b. hotel expenses or other subsistence.
- c. travelling expenses.

Examples may include:

- drinks
- meals (particularly working lunches)
- the annual dinner of a large trade or representative association or similar body with which Natural England is in regular contact.

Usage of electronic media

E-mail

1. The Natural England e-mail system is primarily for business use. Occasional and reasonable personal use is permitted provided that this does not interfere with the performance of your duties.
2. You should not do anything to attempt to circumvent the standard operation of Natural England's e-mail system. You are expected to comply with the detailed operating procedures provide by the IT supplier.
3. You should not send documents of a highly confidential nature by e-mail, except where they are encrypted and you are authorised to do so by your line manager.
4. All of Natural England's files including all electronic documents are covered by the Access to Information legislation and can be requested for disclosure by any individual. The valid reasons for refusing to disclose information to the public are very few. You should therefore draft e-mails on the assumption that the person or organisation you are writing about and potentially anyone else will see the contents.
5. E-mail, especially across the Internet, should not be considered secure. If you feel something is so confidential that you don't want to commit it to e-mail, (perhaps Personnel or Trade Union matters) then you should use another medium.
6. If you conduct contractual negotiations via e-mail or use e-mail to communicate with third parties in circumstances where a contract may be formed, you must include the statement "subject to contract" in all such e-mails until such time as it is intended that a binding contract should come into existence.
7. If you conduct negotiations to settle a dispute via e-mail, you must include the statement "without prejudice" in all such e-mails until such time as it is intended that a binding settlement should come into existence.
8. As an employee of Natural England you must not deliberately impersonate any other person when using e-mail, or amend messages received.
9. You must not send abusive messages or messages which contain discriminatory material in contravention of Natural England's equality and diversity policies.
10. You must not send or circulate, internally or externally, any information that is defamatory. In particular, you must not send or circulate, internally or externally, any information which contains negative comments about an individual or Company without first checking that the contents of the information are accurate. If in doubt, you must check with your line manager.

Interim Guidance

11. When documents are expressed stated as private or copyrighted, you should seek permission before sending them to others. If in doubt it is safer to check.
12. You must not display, transmit or retain on your computer any illegal material or material that may be reasonably thought to be offensive to others. Any such material received should be deleted as soon as received.

Internet

13. The Natural England internet access is primarily for business use. Occasional and reasonable personal use is permitted provided that this does not interfere with the performance of your duties.
14. You must not deliberately visit, view, download or hold on your computer any material from any internet source containing illegal material or material that may be reasonably thought to be offensive to others.
15. You should take care in subscribing to bulletin boards, news groups or other Internet services that the benefits of access have been weighed against the risks of use
16. As an employee of Natural England you must not deliberately impersonate any other person or post messages that contain discriminatory material in contravention of Natural England's equality and diversity policies.
17. You should not attempt to download any unauthorised software onto Natural England's system. If you have a business requirement for specific software, or to change the system in any way, you must contact the Natural England IT service provider to discuss your needs.

Voice and Text

18. Natural England land line and mobile phones are intended primarily for business use. Occasional and reasonable personal use is permitted provided that this does not interfere with the performance of your duties.
19. You should not by voice or text deliberately impersonate any other person or send messages that contain discriminatory material in contravention of Natural England's equality and diversity policies.