

relative to his position in the Service. What he must not do is to attempt, by writing to a Member of Parliament or other outside person in authority, to obtain some personal advantage in regard to Service matters, *e.g.*, to secure some desirable appointment for himself.

\* See definitions in Regulation No. 12.

REGULATION No. 12.  
DISCIPLINARY QUESTIONS.

1.—(i) This Regulation applies to all cases where a member of the Service is accused of a disciplinary offence. It does not apply to cases where an officer is merely admonished.

(ii) In this Regulation the expression "disciplinary offence" means conduct by a member of the Service prejudicial to the interests of the Service, or disobedience of official instructions.

*Comment to paragraph 1:—*

It is not possible or desirable to attempt to lay down rules which determine in all circumstances what conduct constitutes a disciplinary offence nor the penalty that would be appropriate. Some offences are of such a nature, or are committed in such circumstances, that a warning or reprimand would be an appropriate penalty; other offences are of such a nature, or are committed in such circumstances, that dismissal from the Service or a reduction in rank or seniority would be an appropriate penalty. There are certain courses of conduct which are reprehensible if the member holds a high post, but less serious when the member is of junior status. There are also courses of conduct which would merit merely an admonition and these may appropriately be dealt with by the Head of the Post at which the officer is serving or by the Head of Personnel Department direct.

(iii) In this Regulation "Promotion Board" means either the whole Board or a Committee of the Board selected by the Permanent Under-Secretary of State in the case of members of Branch A, and by the Under-Secretary of State for Administration in the case of members of Branch B.

(iv) Any reference in this Regulation to a person holding any office includes a person who is, with the authority of the Secretary of State, temporarily acting for the holder of that office.

2. In this Regulation the expression "official superior" means in the case of—

(i) *a member of the staff of a Diplomatic Mission Abroad*: the Head of that Mission or a Foreign Service Inspector or, in the case of the Head of the Mission or an officer in charge of a Mission, a Foreign Service Inspector or a person charged by the Secretary of State to investigate the matter.

(ii) *a member of the staff of a Consulate*: the senior Consular Officer of the district or a Foreign Service Inspector, or, in the case of the Senior Consular Officer of the district, the Head of the Diplomatic Mission of the country in which the Consulate (if any) is situated or a Foreign Service Inspector;

(iii) *a person (other than a member of Grade 5 or above of Branch A) working in the Foreign Office, or on leave or on duty in the United Kingdom away from his normal post*: the Head of the Department in which the person is working, or where the person concerned is himself the Head of a Department, the Superintending Under-Secretary of State for that Department; or, where the person concerned is not working in any particular Department or where the cause of the complaint arose from his conduct outside the course of his work in his Department, the head of the functional or administrative Department within whose province the cause of the complaint lies;

(iv) *a person working in the Foreign Office or on leave or on duty in the United Kingdom away from his normal post who is a member of Grade 5 or above of Branch A*: the Under-Secretary of State for Administration.

3. The Secretary of State, or the Under-Secretary of State for Administration acting on behalf of the Secretary of State, may suspend a member of the Foreign Service from duty if the question whether he has been guilty of a disciplinary offence is raised and the Secretary of State, or the Under-Secretary of Administration acting on behalf of the Secretary of State, considers that his suspension is desirable until a decision has been reached. Where an officer is suspended his remuneration in respect of any period of suspension may, if the Secretary of State shall so decide, be withheld wholly or in part. In the event of his reinstatement, it may, however, be resumed wholly or in part should the Secretary of State so determine.

4.—(a) Complaints of disciplinary offences by a member of the Service shall be made by the official superior in a letter addressed to the Under-Secretary of State for Adminis-

tration setting out the full facts of the case. A copy of this letter shall be communicated to the person complained of either by the official superior or, if he has not done so, by the Under-Secretary of State for Administration, and at the same time the person complained of shall be reminded of the procedure described in this Regulation.

(b) If a complaint received by the Under-Secretary of State for Administration is of such a nature that further investigation is required before it can be decided that there is *prima facie* evidence that a disciplinary offence has been committed by any particular person, the Under-Secretary of State for Administration may convene a Committee of Enquiry, the membership of which he shall determine, to carry out an investigation into the matters concerning which a complaint has been made. If the Committee of Enquiry find that there is *prima facie* evidence that a disciplinary offence has been committed by some particular person, the Committee of Enquiry shall so report, and their report shall, for the purposes of this Regulation, replace the letter from the official superior.

*Comment to paragraph 4:—*

Where the official superior is the Under-Secretary of State for Administration, then the correspondence shall be addressed to the Permanent Under-Secretary of State who will act in place of the Under-Secretary of State for Administration in all subsequent proceedings under this Regulation.

5. The member of the Service complained of may present his defence to the complaint against him in a letter addressed to the Under-Secretary of State for Administration. The latter may at his discretion refer this letter or any part of it or any points arising from it to the official superior for his comments; both the Under-Secretary of State for Administration's letter and the official superior's reply will in that case be communicated to the person complained of in order that he may have an opportunity of making any further reply which he may think necessary.

6. It is not desirable that the official superior should address any other communications about the case to the Under-Secretary of State for Administration or to any other person, but, should he do so, they will be treated in accordance with the procedure laid down in paragraphs 4 and 5 of this Regulation.

7.—(a) The Under-Secretary of State for Administration, on receipt of the letter of complaint from the official superior, may, in any case in which—

(i) the facts are admitted by the person complained of;

(ii) the person complained of requests that his alleged offence shall be dealt with summarily; decide that the offence alleged is one for which a warning or a reprimand is an adequate penalty. He may, in such cases, impose this penalty which shall be communicated by him or by the official superior to the person concerned.

(b) If the person complained of disputes the facts alleged against him, and has not asked for his alleged offence to be dealt with summarily, or if the Under-Secretary of State for Administration considers that the offence is one for which a warning or a reprimand may not be an adequate penalty, the case shall be referred, in the case of members of Branches A and B, to a Committee of the Promotions Board which shall be held under the Chairmanship of the Under-Secretary of State for Administration in the case of members of Branch A, and under the Chairmanship of the Head of Personnel Department in the case of members of Branch B. In cases concerning members of Branches C and D the case shall be referred to a committee called by the Under-Secretary of State for Administration consisting of representatives of Personnel Department and of Establishment and Organisation Department. In the case of either Committee (both of which are hereinafter referred to as a "Disciplinary Board") a legal adviser of the Foreign Office shall also sit as a member of the Committee.

*Comment to paragraph 7 (b):—*

The presence of a Foreign Office legal adviser at a Disciplinary Board is designed to assist the Committee's proceedings by ensuring:—

(a) that the Board, which sits as an investigatory body, is properly advised as to the exercise of its functions in that capacity;

(b) that where there is a conflict of evidence there is someone present who is trained to assess the value of evidence and the weight to be attached to any particular kind of evidence;

(c) that where questions as to the interpretation of regulations or of other written documents may be involved, there is someone present who is qualified by training and experience, to give an opinion upon such questions.

8. In all cases which are to be referred to a Disciplinary Board the person complained of will be asked by the Under-Secretary of State for Administration in writing whether he