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INVESTOR IN PEOPLE

2 March 2006

All Members of the SMS
All Heads of Post

Dear Colleague

USE OF OFFICIAL INFORMATION OR EXPERIENCE IN PUBLICATIONS OR CONTACTS WITH THE MEDIA

1. I am writing to draw the attention of all SMS officers and non-SMS Heads of Post in the Diplomatic Service, along with SMS officers in the Home Civil Service, to the recently issued new versions of Diplomatic Service Regulation 5 (DSR5 <<http://www.fconet.fco.gov.uk/Doing+my+Job/Staff+Guidance/DSR+HSR/DSR/DSR5.htm>>) and Home Service Regulation 4 (HSR4 <<http://www.fconet.fco.gov.uk/Doing+my+Job/Staff+Guidance/DSR+HSR/HSR/HSR4.htm>>) and to seek your confirmation that you understand your obligations under them.
2. DSR5 and HSR4 deal with the use of official information or experience in publications or contacts with the media. Further guidance on how the procedure works is available here

<http://www.fconet.fco.gov.uk/Doing+my+Job/Staff+Guidance/DSR+HSR/DSR5H SR4FAQs.htm>

Both Regulations have been amended to clarify the rules and to bring them into line with the Civil Service Management Code (CSMC) and Cabinet Office guidance. The main changes are

- Clarification of the continuing obligations for former members of the DS (or HCS in the FCO) to seek permission before entering into commitments with publishers and to submit their texts for clearance.
- Explicit reference to the confidential relationship between Ministers or between Ministers and officials as an area in which to avoid damage.
- Closer matching to language used in the CSMC.

3. The Civil Service Code is currently being reviewed by the Cabinet Office and is expected to change later this year. Should any changes affect DSR5 and HCS4, they will of course be further amended.

4. There is nothing substantially new in the new versions of DSR5 and HSR4. The key points are that any public disclosure of official information or experience must be authorised and that your obligations of confidentiality continue after you have left the Service. This is particularly important for senior staff because of the sphere in which they operate. As Michael Jay reminded you in his letter of 8 November 2005, 'we cannot serve Ministers effectively unless they trust and confide in us, which they will do only if we respect that confidence, not just when we're doing our jobs, but afterwards too'.

5. I would therefore ask you to read DSR5, or HSR4 as relevant, again. When you have done so, please click the 'Read and Agree' button attached to my message to confirm the following:

I have read and understood either Diplomatic Service or Home Civil Service Regulations, as appropriate, and agree to be bound by them. My particular attention has been drawn to DSR5 and HSR4 which deal with the use of official information or experience, publications, contacts with the media, lectures, speeches and conferences.

6. I'd be grateful if you would respond by 22 March. Many thanks.

Yours ever

David Warren

David Warren
Director Human Resources



DSR 5: Use of Official Information or Experience: Publications, Contacts with the Media, Lectures, Speeches and Conferences

1. You must not take part in any public activities which might involve the disclosure of official information or draw upon experience gained in the course of official duties without the prior approval of the appropriate authority. You must clear in advance material which draws on official information or experience for any of the following activities:

- writing books or articles for publication in any medium;
- taking part in radio or television programmes;
- holding interviews with the media;
- writing letters for publication in the press;
- giving lectures or speeches;
- participating in outside conferences or seminars, whether in your official or your private capacity.

The appropriate authority is identified in the Annex to this Regulation.

2. The basic principle is that Ministers expound policy in the UK, though it may often be appropriate for members of the Diplomatic Service to expound it overseas. Contributions by members of the Service to public debate in the UK which fall short of exposition of policy should not:

- prejudice national security;
- harm international relations;
- be destructive of the confidential relationship between Ministers or between Ministers and officials;
- create the possibility of embarrassment to the Government in the conduct of its policies; or
- bring into question the good name and impartiality of the Diplomatic Service.

You must not seek to frustrate the policies, decisions or actions of Ministers by the use or unauthorised, improper or premature disclosure outside the Government of any information to which you have had access as a member of the Diplomatic Service.

Individual responsibility

3. It is your responsibility to ensure that any action which may require authorisation under paragraphs 5, 6 and 7 below is properly authorised in advance. Authority must be sought in sufficient time to allow the request to be properly considered. Authority is still required when an officer is on Special Unpaid Leave (SUPL), a Career Development Attachment (CDA) or secondment. Failure to obtain the necessary authority will result in action being taken under the misconduct procedures summarised at DSR 27.

4. If a journalist or any media representative makes direct contact with a member of the Diplomatic Service in the UK they should be referred to the Press Office.

Activities related to official duties

5. There may be occasions both in the UK and overseas when as a member of the Diplomatic Service you can and should make a contribution to public knowledge on the basis of the specialised information and experience obtained in the course of your official duties. If you are required to engage in any of the activities described in paragraph 1 above as part of your official duties and you are in any doubt about the propriety of doing so, you should consult your line manager. Where the activity would involve:

(a) the disclosure of official information or the use of official experience; or

(b) the publication or disclosure of material liable to affect the Government's relations with other countries

you must ensure that you have been authorised by the appropriate authority to use official experience or to make the publication or

disclosure. Before seeking authority you must be satisfied that the recipients are suitable to receive the information or material in question and that where a disclosure is to be made in confidence that confidence can reasonably be expected to be observed.

6. You should always seek authority before attending in your official capacity any conference or seminar convened by, or under the aegis of, a party political organisation in the UK. The rules on personal political activity are set out at [DSR 36](#).

Activities outside official duties

7. You may not pursue any of the activities described in paragraph 1 above outside your official duties without the permission of the appropriate authority if this would involve:

(a) the disclosure of official information or the use of official experience; or

(b) the publication or disclosure of material liable to affect the Government's relations with other countries.

Otherwise you do not require authority.

Outside conferences and seminars

8. Private attendance at outside conferences and seminars is governed generally by the provisions of paragraph 7 above. However, where you are attending in your private capacity a conference or seminar at which the subjects to be discussed have a political or controversial aspect or relate to foreign and Commonwealth affairs you should not, unless specifically authorised, take part in any public discussion. Such authorisation may, where appropriate, require you to make it clear that any intervention you make in the discussion is in a private capacity only.

Publication of books and articles

9. While still serving you must not publish personal memoirs reflecting your experience in Government, or enter into commitments to do so. However, you may publish other books or articles, subject to prior permission being obtained for any disclosures covered by paragraph 7 above. You must not submit manuscripts or synopses to publishers which disclose official information in advance of such authority having been received. Authorisation may require you to make it clear that publication does not imply any official endorsement.

10. Where it has been decided that your work may be published and that it owes its value exclusively to your own ability and research, you may make your own terms with the publisher and need not arrange for the supply of copies to the Public Service. Otherwise, prior consultation about the terms of publication may be necessary with HM Stationery Office. (By Section 39 of the Copyright Act 1956 Crown copyright applies to any work which has been prepared or published by or under the direction or control of Her Majesty or any Government department. The prior permission of the Controller of HM Stationery Office must be obtained for the inclusion of any Crown copyright material published or unpublished in any work by a Crown servant. All questions of Crown copyright will be referred to the Office of Public Sector Information.)

Acceptance of fees

11. Rules are in place to govern the receipt by Crown servants of payment, particularly payment from public funds, for activities for which authority is required under this Regulation ([FCO Guidance HR Volume 1, Chapter 20](#)). You must not accept payment for any activity of the kind specified in paragraph 7. If the organisation receiving your input insists on making a donation to charity instead, then it must be a charity of the organisation's choice. You should always consult HRD-EP before accepting any payment for any of the activities described in paragraph 1 above.

References to official positions

12. You should not, without authority, refer to, or permit any reference to be made to, the official position which you hold, or have held, for the purpose of publicising your participation outside your official duties in any of the activities described in paragraph 1 above, whether or not such participation involves the use of information or material of the kind specified in paragraph 7(a) or 7(b).

Staff association activities

13. You do not need authority to take part in activities organised by, or on behalf of, your staff association or Trade Union. But if you take part in such activities you should act consistently with the principles set out in paragraph 2 above. If you are elected as a national, departmental or branch representative or as an officer of a recognised staff association you do not require authority to publicise the association's views on an official matter which, because it directly affects the conditions of service of members of the association as employees, may be of legitimate concern to them. This exemption does not apply where your official duties as a

Diplomatic Service officer are directly concerned with the matter in question (see also [DSR 36](#)).

Activities of spouses and partners

14. Your usefulness to the Diplomatic Service may be affected by any publication or other public intervention by your spouse or partner on a subject which is politically controversial or which might affect the Government's relations with another country. For this reason you are advised to consult the appropriate authorities described in the Annex if you are aware that your spouse or partner contemplates engaging in such activities.

Activities of former members of the Diplomatic Service

15. Former members of the Diplomatic Service must continue to observe their duties of confidentiality after they have left the Diplomatic Service (see also [DSR 1](#)). In particular, they must not without first seeking clearance from the appropriate authority publish or broadcast, or enter into any commitment to publish or broadcast, any personal account of their experience in Crown employment or any material which draws on, or appears to draw on, official information or experience gained in the course of official duties. A copy of the text or other recorded form of any such account or material must be supplied to the appropriate authority for clearance in good time before publication. In clearing material for publication or broadcast, the appropriate authority will have regard to the factors set out in paragraphs 2 and 7 above.

16. Former members of the Diplomatic Service must abide by the decision of the appropriate authority in respect not only of State secrets, or information whose disclosure would be prejudicial to the UK's international relations, but also in respect of matters of trust and confidentiality (official advice, the views of Ministers or of colleagues, or judgements on the qualities or abilities of colleagues) which fall within the 15 years recommended by the Radcliffe Committee (see Ministerial Memoirs: the Radcliffe Rules and their application at http://www.cabinetoffice.gov.uk/propriety_and_ethics/publications/pdf/csg-vol2.pdf).

Official Secrets Acts

17. You are reminded that the provisions of the Official Secrets Acts apply to the disclosure of official information and that these provisions continue to apply after you have left the Diplomatic Service.

ANNEX TO DSR 5

Appropriate authorities

1. The appropriate authorities in respect of the activities specified in DSR 5 are as follows.

Activities related to official duties

2. All members of staff: the appropriate authority for all activities for the purposes of paragraphs 5 and 6 of DSR 5 is the Head of Department, Head of Post or other senior manager. For Heads of Departments and Heads of Posts the appropriate authority is the AD, HRD-EP. But proposals by any member of staff to write articles, brief the media for articles or give interviews which may be published or transmitted in the UK should always be referred to the Head of the Press Office.

Activities outside official duties

3. Members of staff serving in the UK: the appropriate authority for the purposes of paragraph 7 of DSR 5 for all activities other than the publication of books and certain articles or interviews is the AD, HRD-EP or FCO Services: HR Director in consultation with other departments as necessary. In the case of publication of books and academic articles the appropriate authority is the Head of Information Management Group, in consultation with other departments as necessary. In the case of non-academic articles media briefings, or interviews which may be published or transmitted in the UK the appropriate authority is the Head of the Press Office.

4. Members of staff serving overseas: the appropriate authority for the purposes of paragraph 7 of DSR 5 for all activities other than the publication of books and certain articles or interviews is the Head of Post, who should consult the AD, HRD-EP as necessary. In the case of publication of books and academic articles the appropriate authority is the Head of Information Management Group, in consultation with other departments as necessary. (Members of staff should submit manuscripts through their Head of Post, who should certify that he/she sees no local objection). In the case of non-academic articles, media briefings, or interviews which may be published or transmitted in the UK the appropriate authority is the Head of the Press Office.

5. Former members of the Diplomatic Service: the appropriate authority for the purpose of paragraphs 7, 15 and 16 of DSR 5 for all activities other than the publication of books and certain articles or interviews is the AD, HRD-EP. In the case of books and academic articles the appropriate authority is the Head of Information Management Group in consultation with other departments as necessary. In the case of non-academic articles, media briefings or interviews which may be published or transmitted in the UK the appropriate authority is the Head of the Press Office.

6. The final authority for all members and former members of the Diplomatic Service is the Permanent Under Secretary.

[Guidance and frequently asked questions on the application on DSR5.](#)

Updated: 24 February 2006

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Guidance on application of DSR5 and HSR4: use of official information or experience

(A) Publications, memoirs, books, articles

(B) Contacts with the media, lectures, speeches and conferences

DSR5 and HSR4 have been amended to clarify the rules on the use of official information in publications and other contacts with the media by serving and former FCO staff. The amendments also bring DSR5 and HSR4 into line with Cabinet Office rules. Cabinet Office are currently reviewing these rules. The Public Administration Select Committee is also conducting an inquiry into the writing of political memoirs and is likely to report their findings in April. In the event of any subsequent changes to central rules DSR5 and HSR4 will be further amended. This Guidance will be kept similarly up to date. This is the first edition of it: suggestions for additions or further clarifications are welcome: see contact details below.

(A) Publications, memoirs, books, articles

Key Messages

- The use of official information, or information acquired through experience as a Crown Servant, in any publication by serving or former members of the FCO must be cleared by the Department prior to publication
- Any publication by serving or former members of the FCO should not harm
 - National security
 - International relations
 - Confidential relationships within government
- Memoirs by serving officers will not be cleared
- No bar to the writing of other books, articles, book reviews subject to clearance
- No bar to publication of memoirs or other books by former members of the Service subject to clearance
- Duties of confidentiality and FCO publication rules are set out in Diplomatic Service Regulations 1 and 5. These derive from central rules and Guidances set out in the Civil Service Management Code (4.2.5); Directory of Civil Service Guidance, Volume 2 Memoirs and Books: Publication by Civil Servants and Ministerial memoirs: the Radcliffe Rules and their application at <http://www.cabinetoffice.gov.uk/proprietyandethics/publications/pdf/csg-vol2pdf>
- When in doubt talk to the Head of IMG, Heather Yasamee (020 7008 1118)

Frequently Asked Questions

1. I am a serving officer and want to write a book or article. What do I need to know?

The main thing to know is that if you want to write or talk publicly about anything which draws on official information or experience, **you have to get permission.**

The position on publications by serving and former members of the FCO is set out in [Diplomatic Service Regulation 5](#). This Regulation is based on the Civil Service Management Code which applies to all civil servants. Further Cabinet Office Guidances are Directory of Civil Service Guidance, Volume 2 Memoirs and Books: Publication by Civil Servants and Ministerial memoirs: the Radcliffe Rules and their application at <http://www.cabinetoffice.gov.uk/proprietyandethics/publications/pdf/csg-vol2pdf>.

2. How and when should I apply for permission?

Before you start, you are advised to clear the principle of writing on a particular subject, especially a topical one, with your Department or post at Head or Deputy Head level. If in doubt consult the Head of IMG. Bear in mind that a green light to proceed at the start does not necessarily mean a green light at the end. Clearance depends on the actual content and the prevailing circumstances at the time of publication. A harmless-looking topic can be a matter of controversy by the time it has been written up. You should not enter into any binding commitment with a prospective publisher until clearance is obtained. Clearance can only be given on the basis of seeing a text. When you have one, send it to the Head of IMG at either heather.yasamee@fco.gov.uk or Old Admiralty Building Rm G/67, London, SW1A 2PA, Tel: 020 7008 1118.

3. Does the same apply to participation in conferences or giving speeches?

The same principle applies that you should get permission to speak publicly when it involves giving out official information or drawing on your experience as a Crown Servant. The nature of permission needed may vary. For example, in the case of conference or seminar participation, permission could range from generic clearance of participation in certain types of events; to notifying your line manager and clearing lines generally; or to the seeking of formal written permission from Head of Department and the clearing of a text of speech or conference paper. Some judgement and common sense should be applied. If in doubt consult the Head of IMG.

4. Is there any Guidance as to what I can or cannot write or say?

The criteria for assessing texts set out in DSR 5 are that they should not

- prejudice national security
- harm international relations
- be destructive of the confidential relationship between Ministers or between Ministers and officials
- create the possibility of embarrassment to the Government in the conduct of its policies
- bring into question the good name and impartiality of the Diplomatic Service

5. Can you be more specific?

It's not possible to be absolutely specific. Judgements have to be made on the text on a case by case basis. A basic principle to bear in mind is that Ministers decide policy and are the principal means for explaining it in the UK; contributions by officials to public debate must be fully in line with current policy. Points to watch out for, especially when a text touches on areas of current political sensitivity, include the extent to which it reveals details of the views of those involved in disputes or negotiations; the views of allies or partners; and information received in confidence.

6. What constitutes harm to confidential relationships within government?

The good conduct of government requires Ministers to have confidence that they can have full and frank discussions with officials, without concern that these may then appear in the public domain. Breaking this trust undermines effective government. This covers disclosure of official advice, the views of Ministers or colleagues and judgements on the qualities or abilities of colleagues, which have been imparted or formed on a basis of trust and confidence and which retain their confidentiality.

7. How long should these confidences be observed?

There is no fixed time limit. Cabinet Office Guidance prescribes the 15-year period recommended in the 1976 Radcliffe Report as a guideline. In some cases earlier disclosure may be considered permissible; in others the period may be longer. It depends on the content: for example whether those being written about are still in office is likely to be a factor taken into account in the review process

8. Can I publish under my own name with FCO by-line?

There is no objection to publishing on a personal basis under your own name or mentioning employment with FCO. But such publications, as distinct from authorised statements of policy, should not imply that the author is speaking on behalf of the FCO or government and must carry a disclaimer to that effect.

9. What is the standard wording for a disclaimer?

No hard and fast wording but something to the effect that 'The views in this article/book are the author's own and should not be taken as an expression of the policy of HMG'.

10. Do I need to submit it to the FCO for clearance?

Any publication by a serving or retired member of the FCO which draws on official information or experience must be submitted for clearance to the FCO. The first point of contact is the Head of IMG, whom you are advised to contact at an early stage.

11. Do I need to submit the whole text?

The FCO only requires that you submit those parts of a publication which draws upon official information or experience. Chapters of a memoir covering for example family life are not required, although where it is more convenient to you to send the whole text you may do so.

12. What about a novel?

In the case of a novel it is advisable to discuss with the Head of IMG whether it needs to be submitted. Unless the novel has no conceivable connection with official information and experience eg a science fiction novel, we normally ask to see it. Recent cases of novels we have asked to see include those where the plot is set within an Embassy or in a country to which the author has been posted.

13. At what stage should I send a text?

In good time before intended publication, allowing **as a minimum** 20 working days for short pieces such as articles and 40 working days for books. Depending on size and contents of the proposed publication, it can take longer. This is especially the case with books which may require wide consultation. You should discuss timing with the Head of IMG. Discussion with IMG on a sample draft can help to identify any pitfalls early on. But the formal clearance process will not start until receipt of a final or near final text.

14. What is the process for clearing texts?

Within the FCO, the Head of IMG leads on the clearance of books, memoirs, book reviews and texts for academic and specialist journals other than those by Legal Advisers. IMG coordinates the review of a text, consulting all interested departments and offices across the Office and Whitehall as necessary. Press Office leads on the clearance of texts and interviews intended for the media.

15. Who decides?

The Head of IMG has authority to decide whether to clear a text or whether a decision is needed at higher level. The Legal Adviser has authority for clearing publications by Legal Advisers. In all cases the Permanent Under Secretary is the final authority. Ministers are consulted as appropriate.

16. Can I accept payment?

Serving officers should not accept payment, royalty or fee unless the publication or disclosure of information falls entirely outside official work or use of official information or experience. Rules governing the acceptance of fees can be found on [FCONet](#). If in doubt, please consult HR Directorate.

17. What is the position for former members of the FCO?

After you leave the FCO, you remain bound by a continuing duty of confidentiality (DSR1, paragraph 17) and the Official Secrets Act. With the exception of the rule on payment, the same rules outlined above apply so that you should:

- seek authority to publish material which draws on official information or experience before making any commitment to publishers
- supply a text for clearance in good time before intended publication.

(B) Guidance on contacts with the media, lectures, speeches and conferences**Frequently Asked Questions****18. What are the general principles for dealing with the media?**

In principle, it is for Ministers, not officials, to expound Government policy. Under no circumstances may officials participate in media discussions or interviews of a controversial nature, especially those which involve political controversy. But there is still scope for Heads of Mission – and their staff, as necessary – to give interviews to the media, and for staff at home to back up the work of Press Office with background briefings.

19. What should I do as a serving officer overseas?

Heads of Mission and their staff (though the former should always be consulted) may give interviews etc without seeking clearance, where they are clearly for local usage only. Such interviews are encouraged, particularly where they contribute to a Mission's public diplomacy objectives by getting across British government policies and achievements. But all comment on British domestic party politics should be avoided.

Please bear in mind that interviews with foreign broadcasters (and some publications) may be networked and replayed in the UK. Where the Post is aware of this possibility, you should check with the Press Office before agreeing to give the interview. Please always ensure that a transcript of the interview is available, and report any difficult points immediately to the Press Office. (General

Enquiry Point - Tel: 020 7008 3100).

20. Does the same apply for contacts with UK media by serving officers overseas?

Approaches from UK-based journalists should be referred to the London Press Office.

Heads of Mission and their staff have discretion to give on-the-record comments to the British media on consular cases and, where immediate reactions are sought, on emergencies and natural disasters. If necessary you may go ahead without specific authority. In these situations, you should stick to facts and descriptive comments. Such interviews are encouraged. It is in our interests that members of the Service should be seen to be on the ball and coping effectively with the situation on the spot. You should in any event inform the Press Office immediately afterwards so that they – and Ministers, as necessary – can deploy the same line. But there is no obligation to accept an interview. If you think it would be disadvantageous, refer the request to the Press Office. If you need time to marshal your thoughts, arrange to ring back.

Requests for interviews which raise policy questions and which may require the interviewee to make sensitive judgements should always be referred first to the Press Office for clearance. Depending on the circumstances, clearance can usually be given quickly, if necessary by telephone through the Duty Officer. He/she will be able to take into account recent or forthcoming Ministerial pronouncements etc. Where such interviews are authorised, the interviewee should still guard against commenting on policy. You should not be afraid to deflect a question by saying that it is one more appropriately addressed to a Minister. Again, in all such circumstances, the Press Office would like feedback as soon as the interview has taken place, as remarks by Posts may well be played back to them in London.

The UK Permanent Representatives at the UN, EU and NATO and our Special Representative on Cyprus in practice enjoy greater freedom to speak to the British media. It is right that they should be able to give "doorsteps" and other interviews, particularly on fast-moving negotiations, at which no Minister is present. They or their PPAOs should keep the Press Office informed of such encounters. Other multilateral Permanent Representatives or bilateral Ambassadors should feel free to consult the Press Office if they feel there are circumstances for them to be given similar discretion eg for particular periods to deal with a specific high profile issue.

21. Does the same apply for officers serving in the UK?

No. Officials serving at home are a different case. Our traditional practice is that they do not, except in very rare cases, give on-the-record interviews. Exceptions have included interviews on DS recruitment, and briefings abroad by officials with a specific public mission. Any such exceptions will have to be cleared with Press Office.

22. What about 'not for use' contact with the Media?

The above does not affect not-for-use briefing of journalists by officials, which remains important. The main rules are:

- never use the phrase 'off the record'. Instead say the information is strictly 'not for use'. Even then only deploy with trusted media contacts;
- as a general principle you should check with the Press Office before making such comments;
- do not talk unless you want to. Refer unwanted requests to the Press Office;
- 'background' is not secret. It is for use by the media after clearance with Press Office. Do not talk to a journalist unless you are prepared to see your point reflected somehow in the papers, even if it is not to be attributed to you or the FCO;
- Always be clear at the start the basis on which you are talking: seek advice from the Press Office where necessary;
- bear in mind that some elements of the media are at best sceptical about, and at worst hostile to, the Foreign Office and British foreign policy;
- always keep the Press Office informed of your contacts with the press. Press Officers should be present at briefings in the Office;

When in doubt on a fast-moving story, check regularly with the Press Office so that your line is consistent with what they (and Ministers) are saying.

Contacts for this guidance

A. Publications, memoirs, books, articles

Heather Yasamee, Head of IMG
Old Admiralty Building Rm G/67, London, SW1A 2PA, Tel: 020 7008 1118.

B. Media, lectures, speeches and conferences

Press Office General Enquiry Point

Tel: 020 7008 3100

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