

(2) Members of Branch D of the Foreign Service will be expected, wherever possible, to learn the language of the country in which they are posted.

(3) Candidates for any of the allowances specified in this Regulation will normally be required to pay their own teacher's fees.

(4) No more than one such allowance will be payable under the provisions of this Regulation at any one time.

REGULATION No. 8

TRANSFERS AND PROMOTIONS

1. All members of Branch D of the Foreign Service must be prepared to go to any post at which their services may be required.

Comment

When appointments and transfers are made account will be taken, so far as possible, of the circumstances and wishes of the individual, members of the Service will, however, be expected to regard an intimation that they are to be transferred to a certain post as an order and not as a request.

2. Recommendations for promotion and transfers within Branch D will be made by Personnel Department in consultation with Establishment and Organisation Department and with the Foreign Service Inspectors. Recommendations for promotion will be subject to the approval of the Head of Personnel Department.

REGULATION No. 9

DISCIPLINARY QUESTIONS

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

(ii)—(a) In this regulation the expression "disciplinary offence" means conduct by a member of the Service prejudicial to the interests of the Service or unbecoming the position which he holds in the Service, or disobedience of official instructions of such a character that a warning or a reprimand with or without a transfer to another post may be an appropriate penalty.

(b) In this regulation a "grave disciplinary offence" means a disciplinary offence which, in the opinion of the Secretary of State, is of so serious a character that dismissal from the Service or a reduction in rank or a loss of seniority may be an appropriate penalty.

Comment to paragraph 1 (ii)

It is not possible or desirable to attempt to lay down rules which determine in all circumstances what conduct constitutes a disciplinary offence or a grave disciplinary offence nor the penalty that would be appropriate. There are certain courses of conduct which are reprehensible whatever the rank of the member, in other cases conduct may be 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 may most appropriately be dealt with by the Head of the post at which the officer is serving or by the Head of the Personnel Department direct. The Report of 25th February, 1928 (Cmd 3037), of a Board of Enquiry appointed to investigate certain statements affecting civil servants is still fully applicable to members of the Foreign Service as a useful guide to their conduct.

2 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,

(ii) a member of the staff of a Consulate, the senior Consular Officer of the district or a Foreign Service Inspector.

3. 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 considers that his suspension is desirable until the question has been investigated and a decision reached. Unless the Secretary of State shall determine otherwise, the remuneration of an officer suspended from duty

will cease from the date of his suspension. In the event of his reinstatement, it may, however, be restored wholly or in part should the Secretary of State so determine.

4. 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 responsible for Administration setting out the full facts of the case with any comments or explanations which the official superior feels it necessary to make. 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.

5. The member of the Service complained of may present his defence to the complaint made against him in a letter addressed to the Under-Secretary of State responsible for Administration. The latter may refer this letter to the official superior for his comments, and any comments received in reply from the official superior will 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 responsible for Administration or to any other person but should he do so, they will be treated in accordance with the procedure laid down in paragraph 4 above.

7. If the disciplinary offence is an ordinary disciplinary offence and the person complained of does not dispute the facts, the decision as to the penalty to be imposed may be taken by the Under-Secretary of State responsible for Administration and communicated by him or by the Head of the Personnel Department to the person concerned. If the person complained of disputes the facts alleged against him or wishes to appeal against the penalty, the case shall be referred to a committee, hereinafter referred to as "the Committee," called by the Under-Secretary of State responsible for Administration, consisting of representatives of Personnel Department and Establishment and Organisation Department, and on which a legal adviser of the Foreign Office shall sit if the Secretary of State so directs or if the person complained of so requests. In this event the Committee shall furnish to the Secretary of State in writing its opinion on the facts and as to what, if any, offence is proved (if the facts are in dispute), and its advice upon the penalty.

8—(1) If the disciplinary offence is a grave disciplinary offence, and the person complained of does not dispute the facts alleged against him, the case shall be sent to the Committee to express their advice as to the penalty. This advice shall be furnished to the Secretary of State in writing.

(ii) If the person complained of disputes the facts alleged against him, his case shall be heard by the Committee and the Committee shall furnish to the Secretary of State in writing its opinion as to the facts and what offence (if any) is proved and its advice as to the penalty.

(iii) In either case the decision of the Secretary of State shall be communicated to the person concerned by the Under-Secretary of State responsible for Administration or by the Head of Personnel Department.

9. When any disciplinary offence is submitted for consideration to a committee called in the circumstances referred to above, all the letters relating to the offence referred to in paragraphs 4, 5 and 6 above shall be laid before the Committee. The Committee may summon any witnesses whom it considers it desirable to hear, and the accused person shall have a right to be heard and, subject to the consent of the Committee, to bring any witnesses whom he may desire. The accused person shall have the right to be present when all other witnesses are giving evidence.

10. The decision as to the penalty shall in all cases remain vested in the Secretary of State after he has considered the report and advice of the Committee.

REGULATION No. 10.

OVERTIME AND HOURS OF ATTENDANCE.

No overtime is payable to members of the Foreign Service at posts abroad.