

ELECTIONS TO THE EUROPEAN PARLIAMENT AND TO LOCAL AUTHORITIES IN ENGLAND

GUIDANCE ON CONDUCT FOR CIVIL SERVANTS IN UK GOVERNMENT DEPARTMENTS

1. **This note provides guidance to civil servants in UK Government departments on their role and conduct during the forthcoming election campaigns.**

2. On 4 June 2009, there will be elections taking place for the European Parliament, and some local authorities in England. The period of sensitivity preceding European elections and local elections is not fixed to any particular date, but the general convention is that particular care should be taken in the three weeks preceding the elections – in this case from **14 May 2009**.

3. These elections are different from a UK General Election. The UK Government will remain in office whatever the outcome of the elections to the European Parliament and to local authorities in England. Ministers will continue to carry out their functions in the usual way. UK civil servants will continue to support their Ministers in their work.

4. However, it needs to be borne in mind that the activities of the UK Government could have a bearing on the European and local election campaigns, and particular care will need to be taken during these periods to ensure that civil servants conduct themselves in accordance with the requirements of the *Civil Service Code*, and in relation to the announcement of UK Government decisions which could have a bearing on the elections. In particular, civil servants are under an obligation:

- to ensure that public resources are not used for party political purposes; and
- not to undertake any activity which could call into question their political impartiality.

General Principles

5. The following general principles should be observed by all civil servants, including special advisers:
- a) particular care should be taken over official support, and the use of public resources, including publicity, for Ministerial announcements which could have a bearing on matters relevant to the European and local elections. In some cases it may be better to defer an announcement until after the elections but this would need to be balanced carefully against any implication that deferral could itself influence the political outcome – each case should be considered on its merits;
 - b) similar care should be taken over announcement of decisions made at official level;
 - c) special care should be taken in respect of paid publicity campaigns which should not be open to criticism that they are being undertaken for party political purposes;
 - d) officials should not be asked to provide new arguments for use in election campaign debates.

Handling of requests for information

6. There should be even handedness in meeting information requests from candidates from the different political parties. The aim should be to respond to straightforward / routine requests from candidates as soon as possible within 24 hrs.

7. Where it is clear that the request is an FOI request it must be handled in accordance with the Freedom of Information Act 2000. The Act requires public authorities to respond to requests promptly and in any event not later than 20 working days after the date of receipt. Where it is clear that it will not be possible to provide a quick response the candidate should be given the opportunity to refine the request if they wish.

Ministerial Visits

8. In the period between 14 May and 4 June, particular care should be taken in respect of proposed visits to areas holding elections. Official support must not be given to visits and events with a party political or campaigning purpose. In cases of doubt, further guidance should be sought from the Propriety and Ethics Team in the Cabinet Office on 020 7276 2471 / 3968 or e-mail: election.queries@cabinet-office.x.gsi.gov.uk

Announcements

9. Similarly, national announcements may have a particular impact on European issues, or on local areas, for example, the publication of policy statements which have a specific European or local dimension. Ministers will wish to be aware of the potential sensitivities in this regard and might decide, on advice, to postpone making certain announcements until after the elections. Obviously, this needs to be balanced carefully against any implication that deferral itself could influence the political outcome. Each case should be considered on its merits. Again, in cases of doubt further advice should be sought from the Propriety and Ethics Team in the Cabinet Office on 020 7276 2471 / 3968 or e-mail election.queries@cabinet-office.x.gsi.gov.uk

Public Consultations

10. Public consultations with a particular emphasis on local or European issues should generally not be launched during the period between 14 May and 4 June. If there are exceptional circumstances where launching a consultation is considered **essential** (for example, for safeguarding public health), advice should be sought from the Propriety and Ethics Team in the Cabinet Office. If a consultation is ongoing during this period, it should continue as normal. However, Departments should avoid taking action which will compete with candidates for the attention of the public. This effectively means not undertaking publicity or consultation events for those consultations that are still in progress. During this period, departments may continue to receive and analyse responses.

Communication Activities

11. Government communicators should apply the principles set out in paragraphs 5 – 10 when planning and delivering communications activities which will take place during this period. Additional care should therefore be taken around press and marketing activity concerning local or European issues. It is also important to take care with official websites which will be scrutinised closely by the news media and the political parties during election periods. In cases of doubt, guidance should be sought from the Government Communications Team at the Cabinet Office on 020 7276 5089.

Use of Government Property

12. Government property should not be used by Ministers or candidates for electioneering purposes.

13. In the case of NHS property, decisions are for the relevant NHS Trust but should visits be permitted to, for example, hospitals, it should be on the basis that there is no disruption to services and that the same facilities are available to all candidates. Care should also be taken to avoid any intrusion into the lives of individuals using the services. The decisions on the use of schools and other local authority properties should be for those legally responsible for the premises. Where it is decided to agree to such visits, the key principle is that the same facilities should be available to all candidates, and that there is no disruption to services.

Political activities

14. Detailed guidance on the restrictions on civil servants' involvement in political activities is set out in section 4.4 of the *Civil Service Management Code* and Departmental staff handbooks.

15. Political activity connected with the European Parliamentary elections falls within the definition of national political activity. Political activity connected with the local elections falls within the definition of local political activity.

Special advisers

16. For the European elections, special advisers who wish to take part in the election campaign, or to help with these elections in a Party headquarters or research unit, must first resign their appointment. Special advisers who resign in these circumstances will not be entitled to severance pay as their resignation is voluntary.

17. Special advisers must be careful not to take any public part in the European election campaign. They should not, for example, accompany their Minister on campaign visits, or brief the press on election-related party political issues. Nor can this activity be undertaken on unpaid leave. However, in an individual's own time, backroom support such as stuffing envelopes and liaison with the Party are permitted.

18. Special advisers planning to help with the local elections should note that any help on campaigning must be done in their own time either outside office hours or while on leave from their Departments.

19. Official resources such as telephones, computers, fax machines, official stationery and departmental administrative support must not be used in support of these elections.

20. Further guidance is set out in the *Code of Conduct for Special Advisers*.

Statistical and Social Research Activities

21. During the period between 14 May and 4 June, statistical activities should continue to be conducted in accordance with the Code of Practice for Official Statistics and the Pre-release Access to Official Statistics Order 2008 which should be read as though it is part of that Code. Social research activities should be in accordance with the GSR Code, and, for participating departments, the GSR Publication Guidance. Requests for information should be handled in accordance with the principles set out in paragraphs 5 – 11 of this note and with the Code of Practice for Official Statistics.

22. In cases of doubt you should consult your departmental Head of Profession for Statistics or your departmental Head of Profession for Social Research. Further advice can be sought from the National Statistician (contact, in the first instance 020 7014 2350) or the Government Social Research Unit (contact, in the first instance 020 7270 5279).

Non-Departmental Public Bodies (NDPBs)

23. The principles in this guidance are generally appropriate to NDPBs and other public sector bodies on the basis that they spend public money and may make public announcements or employ civil servants. Decisions on individual matters are for the bodies concerned. Sponsor departments should ensure that their NDPBs are made aware of them. In cases of doubt, further advice should be sought from the Propriety and Ethics Team in the Cabinet Office on 020 7276 0269 / 0387 or e-mail election.queries@cabinet-office.x.gsi.gov.uk.

Further advice

24. In cases of doubt, further advice should be sought from the Propriety and Ethics Team in the Cabinet Office on 020 7276 2471 / 3968.