

MAY 2016 ELECTIONS: GUIDANCE ON CONDUCT

1. On Thursday 5 May 2016, elections will be taking place to the Scottish Parliament; the National Assembly for Wales; the Northern Ireland Assembly; to some local authorities in England, including for the directly elected Mayors of London, Bristol, Liverpool and Salford; and for Police and Crime Commissioners (PCCs) in England and Wales (excluding London and Greater Manchester (subject to legislation)). Further information on the local authorities and PCC areas affected is attached at **Annex A**. This note provides guidance to civil servants in UK Government departments, and the staff and members of non-departmental public bodies (NDPBs) and other arm's length bodies (ALBs) on their role and conduct during the forthcoming election campaigns. Separate conduct guidance has been circulated in the Devolved Administrations.

2. The period of sensitivity preceding the local, mayoral, and PCC 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 April 2016. Special care will need to be exercised in relation to the Devolved Administrations from 24 March for the elections to the Scottish Parliament; 30 March for the Northern Ireland Assembly; and 6 April for the National Assembly for Wales.

3. These elections are different from a UK General Election. The UK Government will remain in office whatever the outcome of the elections. 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 election campaigns. Particular care will need to be taken during this period to ensure that civil servants conduct themselves in accordance with the requirements of the *Civil Service Code*. Care also needs to be taken in relation to the announcement of UK Government decisions that 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. It is important to remember that this applies to on-line communication, for example using social media, in the same way as off-line activity.

General Principles

5. The following general principles should be observed by all civil servants, including special advisers:

- Particular care should be taken over official support, and the use of public resources, including publicity, for Ministerial or official announcements that could have a bearing on matters relevant to the 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;
- care should also be taken in relation to proposed visits;
- special care should be taken in respect of paid publicity campaigns and to ensure that publicity is not open to the criticism that it is being undertaken for party political purposes;
- there should be even-handedness in meeting information requests from the different political parties and campaigning groups; and
- officials should not be asked to provide new arguments for use in election campaign debates.

6. As with all UK Government Ministers, the Secretaries of State for Northern Ireland, Scotland, and Wales will continue to be in charge of their respective departments, and civil servants should continue to support them. In doing so, civil servants will wish to be aware of the need to avoid any action that is, or could be construed as being, party political or otherwise controversial in the context of the elections.

Handling of requests for information

7. There should be even-handedness in meeting information requests from candidates from the different political parties. The aim should be to respond to requests from candidates and campaigners as soon as possible. This also applies to requests from mayoral and PCC candidates.

8. Where it is clear that a candidate's 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 so that it can be responded to more quickly.

9. Any enquiries from the media should be handled by Departmental Press Officers.

Ministerial Visits

10. In the pre-election periods, particular care should be taken in respect of proposed visits to areas holding elections. The territorial Secretaries of State (and their junior Ministers) will need to continue to carry out their ministerial duties in the countries concerned. However, in doing so, the basic test of whether the visit is for government purposes must be satisfied. 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 your Permanent Secretary's office or the Propriety and Ethics Team in the Cabinet Office (see paragraph 27 below for contact details).

Announcements

11. Similarly, announcements by the UK Government may have a particular impact on these elections. 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, such action 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.

Public Consultations

12. Public consultations with a particular emphasis on devolved, local or PCC issues should generally not be launched during the relevant election periods. If there are exceptional circumstances where launching a consultation is considered **essential** (for example, for safeguarding public health), advice should be sought from your Permanent Secretary's office and/or the Propriety and Ethics Team in the Cabinet Office (see paragraph 27 below for contact details). If a consultation is on-going during this period, it should continue as normal. However, departments should avoid taking action that 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, and which have a particular emphasis on devolved, local or PCC issues. During this period, Departments may continue to receive and analyse responses.

Communication Activities

13. Government communicators should apply the principles set out above when planning and delivering communications activities that will take place during the election periods. Additional care should therefore be taken around press and marketing activity concerning devolved, local or PCC issues.

14. It is also important to take care with official websites and use of social media that will be scrutinised closely by the news media and the political parties during the election periods. In cases of doubt, guidance should be sought from the Government Communications Service at the Cabinet Office (e-mail: gcs.propriety@cabinetoffice.gov.uk)

Use of Government Property

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

16. In the case of NHS property, decisions are for the relevant NHS body, 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.

Legislation

17. UK Government departments should carefully consider the handling of primary legislation that includes provisions on devolved matters during the election period. For Scotland, Wales and Northern Ireland it is not possible for the respective executives to seek their legislature's consent for provisions in UK Government Bills that require Legislative Consent Motions once the Assemblies/Parliament have been dissolved. This is also likely to be the case for a number of weeks after the elections. Departments with Bills containing provisions that may impact on the Devolved Administrations or require Legislative Consent Motions should therefore discuss the position with the Parliamentary Business and Legislation Team in the Cabinet Office, the Territorial Offices, and their policy contacts in the relevant executives. Further guidance may be sought from the Parliamentary Business and Legislation Team in the Cabinet Office on 0207 276 1573.

Statistical and Social Research Activities

18. During the election periods, 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 (and/or the equivalent Orders made by the Devolved Administrations in relation to devolved statistics), which should be read as though it is part of that Code. Regular pre-announced statistical releases (e.g. press notices or bulletin publications) will continue to be issued and published. Social research activities should be in accordance with the Government Social Research (GSR) Code and supplementary guidance, including the GSR Publication Protocol. Requests for information should be handled in accordance with the principles set out in paragraphs 7-9 of this note and with the Code of Practice for Official Statistics. In cases of doubt, you should consult your departmental Head of

Profession for Statistics (who should consult the National Statistician if clarity is required) or your departmental Head of Profession for Social Research. The office of the National Statistician can be contacted via Joseph Moore 0207 592 8627 or Joe Cuddeford 0207 592 8667, and the Government Economic and Social Research Team can be contacted via Emma Gordon (e-mail: emma.gordon@hmtreasury.gsi.gov.uk).

Appointments

19. Public appointments made by UK Ministers, or UK Senior Civil Service appointments could have an effect on the Devolved Administrations, for example where the remit of the body concerned is UK wide. Particular care should be taken in relation to any such appointments, and consideration given to postponing the appointment process where it has the potential to be controversial. Further advice on public appointments can be sought from the Centre for Public Appointments in the Cabinet Office (e-mail: publicappointments@cabinetoffice.gov.uk). Queries on other appointments should be directed to the Propriety and Ethics Team in the Cabinet Office in the first instance - see contact details in paragraph 27 below.

Political Activities

20. Political activity connected with the devolved Parliamentary elections and the PCC elections falls within the definition of **national** political activity. Political activity connected with local and mayoral elections falls within the definition of **local** political activity.

21. Detailed guidance on the restrictions on civil servants' involvement in a private capacity in national and local political activities is set out in section 4.4 of the *Civil Service Management Code* (<http://www.civilservice.gov.uk/about/resources/civil-service-management-code>), and in departmental staff handbooks.

Special Advisers

22. The rules on special advisers' involvement in national and local political activities are set out in the *Code of Conduct for Special Advisers* (see paragraph 24 below).

23. After consultation with their appointing Minister, special advisers who wish to take part in the election campaigns may do so in their own time and out of office hours. Official resources must not be used in support of the elections.

24. Further guidance is set out in the *Code of Conduct for Special Advisers*. (<https://www.gov.uk/government/publications/special-advisers-code-of-conduct>).

Non-Departmental Public Bodies (NDPBs) and other Arm's Length Bodies (ALBs)

25. NDPBs and other ALBs spend public money, make public announcements, use Government property and may employ civil servants. This guidance therefore also applies to their activities. Sponsor departments must ensure that staff and board members of their NDPBs and other ALBs are aware of the guidance. Sponsor departments should be consulted in cases of doubt.

European Union Referendum

26. The EU referendum will take place on Thursday 23 June 2016. Guidance for the Civil Service is contained in Sir Jeremy Heywood's letter of 23 February 2016 which is available at <https://www.gov.uk/government/publications/eu-referendum-guidance-for-the-civil-service-and-special-advisers>.

Further Advice

27. In cases of doubt, in the first instance you should consult your Permanent Secretary's Office, or the Propriety and Ethics Team in the Cabinet Office (e-mail: proprietyandethicsteam@cabinetoffice.gov.uk).

LIST OF LOCAL AND POLICE AND CRIME COMMISSIONER ELECTIONS 2016

Shire District Councils Electing by Thirds

(62)

1. Amber Valley
2. Basildon
3. Basingstoke and Deane
4. Bassetlaw
5. Brentwood
6. Broxbourne
7. Burnley
8. Cambridge
9. Carlisle
10. Castle Point
11. Cherwell
12. Chorley
13. Colchester
14. Craven
15. Crawley
16. Daventry
17. Eastleigh
18. Elmbridge
19. Epping Forest
20. Exeter
21. Great Yarmouth
22. Harlow
23. Harrogate
24. Hart
25. Havant
26. Hertsmere
27. Huntingdonshire
28. Hyndburn
29. Ipswich
30. Lincoln
31. Maidstone
32. Mole Valley
33. Newcastle-Under-Lyme
34. North Hertfordshire
35. Norwich
36. Pendle
37. Preston
38. Redditch
39. Reigate and Banstead
40. Rochford
41. Rossendale
42. Rugby
43. Runnymede
44. Rushmoor

45. St Albans
46. South Cambridgeshire
47. South Lakeland
48. Stevenage
49. Tamworth
50. Tandridge
51. Three Rivers
52. Tunbridge Wells
53. Watford
54. Welwyn Hatfield
55. West Lancashire
56. West Oxfordshire
57. Weymouth and Portland
58. Winchester
59. Woking
60. Worcester
61. Worthing
62. Wyre Forest

Shire District Councils Electing Biennially

(7)

1. Adur
2. Cheltenham
3. Fareham
4. Gosport
5. Hastings
6. Nuneaton and Bedworth
7. Oxford

Shire District Councils Electing Whole Council (2)

1. Gloucester
2. Stroud

Unitary District Council Elections (19)

A. Councils Electing by Thirds (17)

1. Blackburn with Darwen
2. Derby
3. Halton
4. Hartlepool
5. Hull
6. Milton Keynes
7. North East Lincolnshire
8. Peterborough
9. Plymouth
10. Portsmouth

11. Reading
12. Slough
13. Southampton
14. Southend
15. Swindon
16. Thurrock
17. Wokingham

B. Councils Electing by Whole Council (2)

1. Bristol
2. Warrington

Metropolitan District Councils (35)

A. Councils Electing by Thirds (34)

1. Barnsley
2. Birmingham
3. Bolton
4. Bradford
5. Bury
6. Calderdale
7. Coventry
8. Dudley
9. Gateshead
10. Kirklees
11. Knowsley
12. Leeds
13. Liverpool
14. Manchester
15. North Tyneside
16. Newcastle Upon Tyne
17. Oldham
18. Rochdale
19. South Tyneside
20. Salford
21. Sandwell
22. Sefton
23. Sheffield
24. Solihull
25. St Helens
26. Stockport
27. Sunderland
28. Tameside
29. Trafford
30. Wakefield
31. Walsall
32. Wigan
33. Wirral
34. Wolverhampton

B. Councils Electing Whole Councils (1)

1. Rotherham

Other

Elections for the Greater London Authority and the Mayor of London.

Elections for the Mayors of Bristol, Liverpool and Salford.

Police and Crime Commissioner Elections (40)

1. Avon & Somerset
2. Bedfordshire
3. Cambridgeshire
4. Cheshire
5. Cleveland
6. Cumbria
7. Derbyshire
8. Devon and Cornwall
9. Dorset
10. Durham
11. Dyfed-Powys
12. Essex
13. Gloucestershire
14. Gwent
15. Hampshire
16. Hertfordshire
17. Humberside
18. Kent
19. Lancashire
20. Leicestershire
21. Lincolnshire
22. Merseyside
23. Norfolk
24. North Wales
25. North Yorkshire
26. Northamptonshire
27. Northumbria
28. Nottinghamshire
29. South Wales
30. South Yorkshire
31. Staffordshire
32. Suffolk
33. Surrey
34. Sussex
35. Thames Valley
36. Warwickshire
37. West Mercia
38. West Midlands
39. West Yorkshire
40. Wiltshire

