

ELECTIONS TO THE SCOTTISH PARLIAMENT, THE NATIONAL ASSEMBLY FOR WALES, AND LOCAL ELECTIONS IN ENGLAND

GUIDANCE ON CONDUCT FOR CIVIL SERVANTS IN UK DEPARTMENTS

1. Elections for the Scottish Parliament, and the National Assembly for Wales are due to take place on 1 May. This note provides guidance to civil servants in UK departments on their role and conduct in the forthcoming election campaigns. Separate and more detailed guidance is being issued to civil servants employed in the Scottish Executive and the National Assembly for Wales. Special care will need to be exercised following the start of purdah in the devolved Administrations, which is 1 April for staff in the Scottish Executive and 4 April for staff working in the National Assembly for Wales.

2. These elections are different from a UK General Election. The UK Government will remain in office whatever the outcome of the elections to the devolved legislatures. Ministers will continue to carry out their functions in the usual way. UK civil servants will continue to support their Ministers in their work.

3. However, it needs to be borne in mind that the activities of the UK Government could have a bearing on the devolved election campaigns and 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. In particular, civil servants are under an obligation:

- not to undertake any activity which could call into question their political impartiality; and

- to ensure that public resources are not used for party political purposes.

During the period between the start of purdah in the devolved administrations (dates set out in paragraph 1) and the actual elections particular care should be exercised in relation to the announcement of UK Government decisions which could have a bearing on the elections to the devolved legislatures.

General principles

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

- a) there should be even handedness in meeting information requests from candidates from different political parties. Departments should reply to such requests within 24 hours and in accordance with the principles laid down in the *Code of Practice on Access to Government Information*.
- b) 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 the devolved elections.
- c) similar care should be taken over announcements of decisions made at official level.
- d) 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.
- e) officials should not be asked to provide new arguments for use in election campaign debates.

5. As with all UK Government Ministers, the Secretaries of State for Scotland and Wales will continue to be in charge of their respective departments, and civil servants should continue to support these Ministers in the normal way. However, civil servants will wish to be aware of the need to avoid any action which is, or could be construed as being, party political or otherwise controversial in the context of the devolved elections.

6 All discussions between the devolved administrations and the UK Government during the campaign period should be conducted in accordance with the principles laid down in this guidance.

Ministerial visits

7. In the pre-election period particular care should be taken in respect of proposed visits to Scotland and Wales. While there might be good arguments for the territorial Secretaries of State to visit Scotland or Wales, the basic test of whether the visit is for government or party/electoral 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 the Machinery of Government Secretariat in the Cabinet Office on 020-7276-2471.

Announcements

8. Similarly, announcements on non-devolved matters could have a bearing on the devolved elections. Ministers will be aware of the

potential sensitivities in this regard and might decide, on advice, to postpone making controversial announcements until after the elections. Obviously this needs to be balanced carefully against any implication that deferral could itself influence the political outcome. Each case should be considered on its merits. Again, in cases of doubt further advice should be sought from the Machinery of Government Secretariat in the Cabinet Office on 020-7276-2471.

9. Announcements on UK Government responsibilities within England for matters devolved in Scotland and Wales are, of course, quite in order. But it is very important to stress the territorial extent of any such announcement. Failure to do so could lead to voters in Scotland or Wales believing that the announcement also affects them, and thus might influence how they vote.

Information Activities

10. Guidance on information activities during elections can be found in Guidance note G to Cabinet Office General Election Guidance issued in May 2001. For assistance in interpreting how this should apply during devolved elections, and in all cases of doubt, guidance should be sought from the Head of the Government Information and Communication Service.

11. Official Websites will be scrutinised closely by the news media and the political parties during the Election period and must be handled with great care.

Political Activities

12. Political activity connected with these elections falls within the definition of national political activity. Detailed guidance on the restrictions on civil servants' involvement in national political activities is set out in Departmental staff handbooks.

Special Advisers

13. UK special advisers who wish to participate in any of the election campaigns or help in a Party headquarters or research unit must first resign their appointment. Special advisers appointed by UK Ministers who resign in these circumstances will not be entitled to severance pay as their resignation is deemed to be voluntary. The restrictions on special advisers' involvement in national political activities are set out in the *Model Contract for Special Advisers*.

14. Special advisers must be careful not to take any public part in the campaign. They should not, for example, accompany their Minister on campaign visits or brief the press on election-related issues. Nor can this activity be done on unpaid leave. However, in

the individual's own time, backroom support such as stuffing envelopes and liaison with the Party are permitted.

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

Public Appointments

16. 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 or to influence the course of the elections.

Statistical Activities

17. During devolved elections, statistical activities should continue to be conducted in accordance with the *National Statistics Code of Practice* and requests for information should continue to be handled in accordance with the *Code of Practice on Access to Government Information*.

18. For further guidance on statistical activity during elections, please consult Guidance Note H to the Cabinet Office General Election Guidance issued in May 2001. For assistance in interpreting how this should apply during devolved elections, consult your Head of Profession or the National Statistician.

Local Elections

19. Local elections will also be held in England on 1 May. The period of sensitivity preceding 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 **10 April 2003**. During this period, particular care will need to be exercised in relation to the announcement of sensitive decisions with a local dimension, and paid publicity campaigns.

20. Political activity connected with these elections falls within the definition of local political activity. Detailed guidance on the restrictions on civil servants' involvement in local political activities is set out in Departmental staff handbooks.

21. Special advisers may undertake all forms of local political activity - with the approval of their Minister. Special advisers planning to help with the local elections should note that any campaigning must be done outside office hours or on paid or unpaid

leave from their Departments.

Non-Departmental Public Bodies

19. While NDPBs and other public sector bodies are not formally covered by this guidance, they do spend public money and may make public announcements or employ civil servants. Decisions on individual matters are for the bodies concerned, but the principles set out above are generally applicable.

Cabinet Office
Machinery of Government Secretariat
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