

ELECTIONS TO LOCAL AUTHORITIES IN ENGLAND AND WALES AND TO THE GREATER LONDON AUTHORITY

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 1 May 2008, there will be elections taking place across some local authorities in England, all local authorities in Wales, and to the Greater London Authority (GLA), including the election of the London Mayor. 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 2008**.
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 local authorities in England and Wales or the GLA. 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 local and GLA 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 GLA and local authorities. 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 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 routine inquiries and straightforward / routine requests from candidates as soon as possible within 24 hrs. This also applies to requests from Mayoral candidates.

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 10 April and 1 May, 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 2454 / 2472 or email election.queries@cabinet-office.x.gsi.gov.uk.

Announcements

9. Similarly, national announcements may have a particular impact on local areas, for example, the publication of policy statements which have a specific 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 2472 / 2454 or email election.queries@cabinet-office.x.gsi.gov.uk.

Public Consultations

10. Public consultations with a particular emphasis on local issues should generally not be launched during the period between 10 April and 1 May. 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 on 020 7276 2472 / 2454 or email election.queries@cabinet-office.x.gsi.gov.uk.

11. 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

12. The principles set out in paragraphs 5 – 11 above apply to all communication activities during these periods. 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

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

14. 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. The decisions on the use of schools and other local authority properties should be for those legally responsible for the premises. Where it's decided to agree such visits, the key principle is that the same facilities should be available to all candidates.

Political activities

15. 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.

16. Political activity connected with the local and GLA elections falls within the definition of local political activity.

Special advisers

17. For the local and GLA elections, special advisers may undertake all forms of local political activity – with the approval of their Minister and in accordance with the terms of the *Code of Conduct for Special Advisers*. 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.

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

Statistical and Social Research Activities

19. During the period between 10 April and 1 May, statistical activities should continue to be conducted in accordance with the *National Statistics Code of Practice* and its 12 supporting Protocols, particularly the Protocol on Release Practices. Social research activities should be in accordance with the GSR's professional standards guidance. Requests for information should be handled in accordance with the principles set out in paragraphs 5 – 11 of this note and with the National Statistics Code of Practice.

20. 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 7533 6200) or the Government Social Research Unit (contact, in the first instance 020 7270 5279).

Non-Departmental Public Bodies (NDPBs)

21. 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, and 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 email election.queries@cabinet-office.x.gsi.gov.uk.

Further advice

22. In cases of doubt, further advice should be sought from the Propriety and Ethics Team in the Cabinet Office on 020 7276 2472 / 2454.