

May 2022 Elections: guidance on conduct

1. On Thursday 5 May 2022, elections will be taking place:
 - a. to the Northern Ireland Assembly;
 - b. to a number of local authorities in England, Scotland and Wales, including a number of directly elected Mayors.

Further information on the 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. It is for individual public bodies to apply this pre-election guidance within their own organisations, but in doing so they should not go beyond the principles set out in this guidance

2. Special care will need to be exercised in relation to Northern Ireland from 28 March for the elections to the Northern Ireland Assembly. Separate conduct guidance will be circulated by the Northern Ireland Executive to their civil servants.
3. The period of sensitivity preceding the local elections is not fixed to any particular date, but the general convention is that special care should be taken in the three weeks preceding the elections – in this case from 14 April 2022. This guidance does not apply to Local Authorities, who are subject to their own restrictions during the pre-election period. The period of sensitivity for Local Authorities holding elections is different from that recommended for the UK Government in this guidance. Separate conduct

guidance will also be issued by the Scottish Government and Welsh Government to civil servants working for the respective devolved administrations and their agencies and public bodies.

4. These elections are different from a UK general election. The UK Government will remain in office whatever the outcome of the elections. UKG Ministers will continue to carry out their functions in the usual way. Civil servants will continue to support their Ministers in their work. Given the nature of these elections, there are tighter restrictions on activity for those working for the Northern Ireland Executive and local government than for the UK Government. Subject to the principles set out below, UK Government business can continue.

5. 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 which could have a bearing on the elections. In particular, civil servants are under an obligation:
 - a. to ensure that public resources are not used for party political purposes; and
 - b. not to undertake any activity that could call into question their political impartiality. It is important to remember that this applies to online communication such as social media, in the same way as other activity.

6. In all cases essential business, which includes routine business necessary to ensure the continued smooth functioning of government and public services, must be allowed to continue.

General principles

7. 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 government 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.
 - b. Care should also be taken in relation to proposed visits.
 - c. 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.
 - d. There should be even-handedness in meeting information requests from the different political parties and campaigning groups.
 - e. Officials should not be asked to provide new arguments for use in election campaign debates.

8. As with all UK Government Ministers, the Secretary of State for Northern Ireland continues to be in charge of his department, and civil servants should continue to support him. 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

9. 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 candidates.
10. Where it is clear that a candidate's request is a Freedom of Information (Fol) 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.
11. Any enquiries from the media should be handled by Departmental Press Officers.

Ministerial visits

12. In this period, particular care should be taken in respect of proposed visits to areas holding elections. The Secretaries of State for Scotland, Wales and Northern Ireland (and their junior Ministers) will need to continue to carry out their ministerial duties in the nations 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 (who may then seek advice from the Cabinet Office - see paragraph 35 below).

Announcements

13. Similarly, national announcements by the UK Government may have a particular impact on Northern Ireland. National announcements by the UK Government may also have a particular impact on local areas with elections, for example, the publication of policy statements which have a specific local dimension.
14. 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.

Public consultations

15. Public consultations with a particular emphasis on: (a) Northern Ireland issues, or (b) local issues, or (c) impact on areas where elections are being held, should generally not be launched during the relevant pre-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 (who may then seek advice from the Cabinet Office - see paragraph 35 below).

16. If a consultation is ongoing 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: (a) Northern Ireland issues, or (b) local issues, or (c) impact on areas where elections are being held. During this period, departments may continue to receive and analyse responses. Departments should also consider extending consultation periods after the elections to allow all parties sufficient time to respond.
17. This is particularly important where a consultation will require the participation of: (a) the Northern Ireland devolved administration, which is under its own pre-election restrictions during this period, or (b) Local Authorities which are under their own pre-election publicity restrictions during this period.¹

Communication activities

¹ The Publicity Code is issued under powers conferred on the Secretary of State under section 4(1) of the Local Government Act 1986 ('the 1986 Act'). Local authorities, defined in section 6(2) of the 1986 Act, are required by section 4(1) of the 1986 Act to have regard to the Publicity Code in coming to any decision on publicity. Publicity is defined in section 6(4) of the 1986 Act as 'any communication, in whatever form, addressed to the public at large or a section of the public'. Local authorities should pay particular regard to the legislation governing publicity during the period of heightened sensitivity before elections and referendums

<https://www.gov.uk/government/publications/recommended-code-of-practice-for-local-authority-publicity>

18. 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: (a) Northern Ireland issues or (b) local issues.
19. It is also important to take care with official websites, including gov.uk, and use of social media that will be scrutinised closely by the news media and the political parties during the election period. In cases of doubt, guidance should be sought from the Government Communications Service in the Cabinet Office.

Use of Government property

20. Government property should not be used by Ministers or candidates for electioneering purposes.
21. 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 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

22. UK Government departments should carefully consider the handling of primary legislation that includes provisions on Northern Ireland matters during the election period. It will not be possible for the Northern Ireland Executive to seek their legislature's consent for any provisions in UK Government Bills that require Legislative Consent Motions once the Northern Ireland Assembly has been dissolved on 28 March.

23. Departments with Bills containing provisions that may impact on Northern Ireland or require Legislative Consent Motions should therefore discuss the position with the Union and Constitution Directorate and the Parliamentary Business and Legislation Team in the Cabinet Office, the Northern Ireland Office, and their policy contacts in the Northern Ireland Executive. Further guidance may be sought from the Union and Constitution Directorate and the Parliamentary Business and Legislation Team in the Cabinet Office.

Statistical and social research activities

24. During the election periods, statistical activities should continue to be conducted in accordance with the Code of Practice for 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 (for example, press notices or bulletin publications) will continue to be issued and published. The principles set out here are not about restricting commentary from independent sources, for example academics who may also hold public appointments or non-executive roles in government departments or public bodies. It is for individual public bodies to apply this pre-election guidance within their own organisations, but in doing so they should not go beyond the principles set out in this document.
25. 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 7-8 of this note and with the Code of Practice for 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, and the Government Economic and Social Research Team can be contacted for further guidance.

Use of public funds

26. During the pre-election period, departments should carefully consider the timing of decisions and announcements in relation to large and/or contentious commercial contracts or grants which 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.

Appointments

27. Some public appointments made by UKG Ministers could have an effect on the Northern Ireland devolved administration, for example where the remit of the body has specific Northern Ireland responsibilities, or there is a requirement to consult in relation to a UK wide body. 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 Cabinet Office Public Appointments Policy team.

Political activities

28. Political activity connected with the Northern Ireland election falls within the definition of **national** political activity.

29. Political activity connected with local elections falls within the definition of **local** political activity.

30. Detailed guidance on the restrictions on civil servants' involvement in a private capacity in local and national political activities is set out in section 4.4 of the [Civil Service Management Code](#), and in departmental staff handbooks.

Special Advisers

31. The rules on Special Advisers' involvement in local and national political activities are set out in the [Code of Conduct for Special Advisers](#).
32. After consultation with their appointing Minister, Special Advisers who wish to take part in the election campaigns may do so in their own time. Official resources must not be used in support of the elections.

Non-departmental public bodies (NDPBs) and other arm's-length bodies (ALBs)

33. NDPBs and other ALBs spend public money, make public announcements, use government property and may employ civil servants. It is for individual public bodies to apply this pre-election guidance within their own organisations, but in doing so they should not go beyond the principles set out in this document. Sponsor departments must ensure that staff and board members of their NDPBs and other ALBs are aware of the guidance and are applying the principles appropriately. Sponsor departments should be consulted by the NDPB/ALB in cases of doubt.

Schools

34. The Department for Education has published guidance for schools on [political impartiality](#) during political events, and guidance specifically relating to the [pre-election period](#).

Further advice

35. In cases of doubt, in the first instance you should consult your Permanent Secretary's Office. They may then wish to take advice from the Cabinet Office's Propriety & Ethics team.

Cabinet Office March 2022

Annex A

LIST OF ELECTIONS TAKING PLACE IN MAY 2022

Elections will take place to the Northern Ireland Assembly.

In England, elections will take place to 33 Metropolitan borough councils, 21 Unitary District Councils, and 60 District Councils.

There will also be elections to all 32 London Boroughs, as well as 6 council mayoral elections and one combined authority mayoral election.

In Scotland, elections will be held in all 32 local authorities.

In Wales, elections will be held in all 22 local authorities.

National elections

All 18 constituencies in Northern Ireland.

- East Antrim
- North Antrim
- South Antrim
- Belfast East
- Belfast North
- Belfast South
- Belfast West
- North Down
- South Down
- Fermanagh and South Tyrone
- Foyle
- Lagan Valley
- East Londonderry

- Newry and Armagh
- Strangford
- West Tyrone
- Mid Ulster
- Upper Bann

Local elections

Metropolitan borough election by whole council (2):

- Birmingham
- Rochdale

Metropolitan borough election by thirds (31):

- Barnsley
- Bolton
- Bradford
- Bury
- Calderdale
- Coventry
- Dudley
- Gateshead
- Kirklees
- Knowsley
- Leeds
- Manchester
- Newcastle upon Tyne
- North Tyneside
- Oldham
- Salford

- Sandwell
- Sefton
- Sheffield
- Solihull
- South Tyneside
- St Helens
- Stockport
- Sunderland
- Tameside
- Trafford
- Wakefield
- Walsall
- Wigan
- Wirral
- Wolverhampton

Unitary District Councils electing by whole Council (5)

- Cumberland²
- North Yorkshire¹
- Reading
- Somerset¹
- Westmorland and Furness¹

Unitary District Councils electing by thirds (16):

- Blackburn with Darwen
- Derby

² Draft legislation is currently before Parliament which will, if approved: dissolve the County and district councils in the current Cumbria County Council area, replacing them with two unitary councils (Cumberland, and Westmorland and Furness); dissolve the district councils in North Yorkshire and Somerset, replacing them with a unitary council each for these County Councils' areas. Preceding legislation had already postponed the County elections in these areas until May 2022; therefore elections will take place in these county areas regardless of the legislative outcome.

- Halton
- Hartlepool
- Kingston upon Hull
- Milton Keynes
- North East Lincolnshire
- Peterborough
- Plymouth
- Portsmouth
- Slough
- Southampton
- Southend-on-Sea
- Swindon
- Thurrock
- Wokingham

District Councils election by whole council (4):

- Huntingdonshire
- Newcastle-under-Lyme
- South Cambridgeshire
- St. Albans

District Councils election by half council (7):

- Adur
- Cheltenham
- Fareham
- Gosport
- Hastings
- Nuneaton and Bedworth

- Oxford

District Councils election by thirds (49):

- Amber Valley
- Basildon
- Basingstoke and Deane
- Brentwood
- Broxbourne
- Burnley
- Cambridge
- Cannock Chase
- Castle Point
- Cherwell
- Chorley
- Colchester
- Crawley
- Eastleigh
- Elmbridge
- Epping Forest
- Exeter
- Harlow
- Hart
- Havant
- Hyndburn
- Ipswich
- Lincoln
- Maidstone
- Mole Valley
- North Hertfordshire
- Norwich

- Pendle
- Preston
- Redditch
- Reigate and Banstead
- Rochford
- Rossendale
- Rugby
- Runnymede
- Rushmoor
- Stevenage
- Tamworth
- Tandridge
- Three Rivers
- Tunbridge Wells
- Watford
- Welwyn Hatfield
- West Lancashire
- West Oxfordshire
- Winchester
- Woking
- Worcester
- Worthing

Combined Authority Mayoral Elections (1):

- Sheffield City Region

Council Mayoral Elections (6)

- Croydon
- Hackney

- Lewisham
- Newham
- Tower Hamlets
- Watford

All 32 local authorities in Scotland:

- Aberdeen City Council
- Aberdeenshire Council
- Angus Council
- Argyll and Bute Council
- City of Edinburgh Council
- Clackmannanshire Council
- Comhairle nan Eilean Siar
- Dumfries and Galloway Council
- Dundee City Council
- East Ayrshire Council
- East Dunbartonshire Council
- East Lothian Council
- East Renfrewshire Council
- Falkirk Council
- Fife Council
- Glasgow City Council
- Inverclyde Council
- Midlothian Council
- North Ayrshire Council
- North Lanarkshire Council
- Orkney Islands Council
- Perth and Kinross Council
- Renfrewshire Council
- Scottish Borders Council
- Shetland Islands Council
- South Ayrshire Council
- South Lanarkshire Council
- Stirling Council
- The Highland Council
- The Moray Council

- West Dunbartonshire Council
- West Lothian Council

All 22 local authorities in Wales

- Blaenau Gwent
- Bridgend
- Caerphilly
- Cardiff
- Carmarthenshire
- Ceredigion
- Conwy
- Denbighshire
- Flintshire
- Gwynedd
- Isle of Anglesey
- Merthyr Tydfil
- Monmouthshire
- Neath Port Talbot
- Newport
- Pembrokeshire
- Powys
- Rhondda, Cynon, Taf
- Swansea
- Torfaen
- The Vale of Glamorgan
- Wrexham

Elections will also take place to some town and parish councils. Local Authorities (unitary councils, and district councils in two-tier county areas) can identify which town and parish councils are being elected to.