

ELECTIONS TO LOCAL AUTHORITIES IN ENGLAND, WALES AND SCOTLAND, THE LONDON ASSEMBLY AND FOR THE MAYORS OF LONDON, LIVERPOOL AND SALFORD AND REFERENDUMS ON DIRECTLY ELECTED MAYORS

GUIDANCE ON CONDUCT

1. On 3 May 2012, elections will be taking place for some local authorities in England, Wales and Scotland, the London Assembly, and for the Mayors of London, Liverpool and Salford. There will also be referendums for directly elected mayors in several English cities on 3 May.¹ This note provides guidance to civil servants in UK Government departments and to NDPBs on their role and conduct during the forthcoming campaigns.
2. **The period of sensitivity preceding these 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 12 April 2012.**
3. The elections and referendums are different from a UK General Election. The UK Government will remain in office whatever the outcome of the elections/referendums. 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 and referendum 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 or referendums. In particular, civil servants are under an obligation:
 - to ensure that public resources are not used for party political purposes; and

¹ Birmingham, Bradford, Bristol, Coventry, Leeds, Manchester, Newcastle upon Tyne, Nottingham, Sheffield and Wakefield. There is also a referendum on whether to continue with an elected Mayor in Doncaster.

- 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 or official announcements which could have a bearing on matters relevant to the elections or referendums. In some cases it may be better to defer an announcement until after the elections/referendums 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/ referendum 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 requests from candidates and campaigners as soon as possible. This also applies to requests from Mayoral candidates.
7. 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.

8. Enquiries from the media should be handled by Departmental Press Officers.

Ministerial Visits

9. In this period, particular care should be taken in respect of proposed visits to areas holding elections or referendums. 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.

Announcements

10. Similarly, national announcements by the UK Government 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/referendums. Similar issues apply in relation to Mayoral referendums where there is a 28 day restriction period where particular care needs to be applied in relation to information about the referendums. 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

11. Public consultations with a particular emphasis on local issues should generally not be launched during the period between 12 April and 3 May. 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. 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. Government communicators should apply the principles set out above 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 issues.
13. It is also important to take care with official websites which 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 Team at the Cabinet Office on 020 7276 2710 (email: gcnpropriety@cabinet-office.x.gsi.gov.uk).

Use of Government Property

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

Statistical and Social Research Activities

16. During the election period, 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 Northern Ireland Assembly, Scottish Parliament and National Assembly for Wales respectively in relation to devolved statistics) which should be read as though it is part of that Code. Social research activities should be in accordance with the GSR Code and supplementary guidance, including the GSR Publication Guidance. Requests for information should be handled in accordance with the principles set out in paragraphs 6-8 of this note and with the Code of Practice for Official Statistics.
17. 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's Office (01633 455528 (Newport) and the Government Economic and Social Research team on 020 7270 5331).

Political activities

18. Political activity connected with the local and Mayoral elections and the Mayoral referendums falls within the definition of **local** political activity.
19. 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* (<http://www.civilservice.gov.uk/about/resources/csmc/CSMC-4.aspx>) and Departmental staff handbooks.

Special advisers

20. For the **local and Mayoral elections and Mayoral referendums**, special advisers may undertake in their own time 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 and Mayoral elections and

Mayoral referendums 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.

21. Official resources such as telephones, computers, official stationery and departmental administrative support must not be used in support of the elections or referendums.
22. Further guidance is set out in the *[Code of Conduct for Special Advisers](#)*.
(<http://download.cabinetoffice.gov.uk/special-advisers/code-of-conduct.pdf>)

NDPBs

23. NDPBs spend public money and make public announcements, use Government property and can employ civil servants. This guidance therefore also applies to their activities. Sponsor departments should ensure that their NDPBs are aware of it, and that the sponsor department is consulted in cases of doubt.

Further advice

24. In cases of doubt, in the first instance you should consult your Permanent Secretary's Office who may consult the Propriety and Ethics Team in the Cabinet Office on 020 7276 1898/2472/2471 (e-mail electionqueries@cabinet-office.x.gsi.gov.uk or from 16 April electionqueries@cabinet-office.gsi.gov.uk (no '.x')).

**Cabinet Office
March 2012**