



**CabinetOffice**

***GENERAL ELECTION GUIDANCE 2015***

**30<sup>th</sup> March 2015**

# **GENERAL ELECTION GUIDANCE 2015**

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## **GENERAL ELECTION GUIDANCE**

### **PREFACE**

1. General Elections have a number of implications for the work of Departments and civil servants. These arise from the special character of Government business during an Election campaign, and from the need to maintain, and be seen to maintain, the impartiality of the Civil Service, and to avoid any criticism of an inappropriate use of official resources. This guidance takes effect at the Dissolution of Parliament on 30th March 2015. The Prime Minister will write separately to Ministers advising them of the need to adhere to this guidance and to uphold the impartiality of the Civil Service.
2. This guidance applies to all UK civil servants, and the board members and staff of NDPBs and other arms length bodies.

### **General Principles**

3. During the Election period, the Government retains its responsibility to govern, and Ministers remain in charge of their Departments. Essential business must be carried on. However, it is customary for Ministers to observe discretion in initiating any new action of a continuing or long-term character. Decisions on matters of policy on which a new Government might be expected to want the opportunity to take a different view from the present Government should be postponed until after the Election, provided that such postponement would not be detrimental to the national interest or wasteful of public money.
4. Advice on handling such issues is set out in this guidance. This guidance will not cover every eventuality, but the principles should be applied to the particular circumstances.
5. The principles underlying the conduct of civil servants in a General Election are an extension of those which apply at all times, as set out in the [Civil Service Code](#):

- The basic principle for civil servants is not to undertake any activity which could call into question their political impartiality or which could give rise to criticism that public resources are being used for Party political purposes. This principle applies to all staff working in Departments.
- Departmental activity should not be seen to compete with the Election campaign for public attention. The principles and conventions set out in this guidance also apply to public bodies.
- It is also a requirement of the Ministerial Code that Ministers must not use Government resources for party political purposes and must uphold the political impartiality of the Civil Service.

### **Election queries**

6. For any detailed queries on this guidance, or other questions, officials should in the first instance seek guidance from their Permanent Secretary who may consult the Cabinet Secretary, or the Propriety and Ethics Team in the Cabinet Office.
7. The Propriety and Ethics Team handle general queries relating to conduct during the Election period, provide advice on the handling of enquiries and any necessary co-ordination where enquiries raise issues which affect a number of Departments.
8. In dealing with queries, the Propriety and Ethics Team will function most effectively if it is in touch with relevant developments in Departments. Departments should therefore:
  - draw to their attention, for advice or information, any approach or exchange which raises issues which are likely to be of interest to other Departments;
  - seek advice before a Minister makes a significant Ministerial statement during the Election period.
9. The team can be contacted at [proprietyandethicsteam@cabinetoffice.gov.uk](mailto:proprietyandethicsteam@cabinetoffice.gov.uk).

## **SECTION A**

### **Enquiries, Briefing, Requests for Information and attending events**

1. This note gives guidance on:
  - the handling by Departments and Agencies of requests for information and other enquiries during a General Election campaign;
  - briefing of Ministers during the Election period;
  - the handling of constituency letters received from Members of Parliament before Dissolution, and of similar letters from Parliamentary candidates during the campaign; and
  - the handling of FOI requests.

### **General**

2. At a General Election, the Government of the day is expected to vindicate its policies to the electorate. By convention, the governing Party or parties are entitled to check with Departments that statements made on its behalf are factually correct and consistent with Government policy. As at all times, however, Government Departments and their staff must not engage in, or appear to engage in, Party politics or be used for Party ends. They should provide consistent factual information on request to candidates of all Parties, as well as to organisations and members of the public and should in all instances avoid becoming involved or appearing to become involved, in a partisan way, in Election issues.

### **Requests for Factual Information**

3. Departments and Agencies should provide any Parliamentary candidate, organisation or member of the public with information in accordance with the Freedom of Information Act 2000. Local and regional offices should deal similarly with straightforward enquiries, referring doubtful cases to the relevant Permanent Secretary for decision.
4. Other requests for information will range from enquiries about existing Government policy, which are essentially factual in nature, to requests for justification and comment on existing Government policy. All requests for

information held by departments must be dealt with in accordance with the requirements of the Freedom of Information Act 2000. The handling of press enquiries is covered in Section I.

5. Where the enquiry concerns the day-to-day management of a non-ministerial Department or Executive Agency and the Chief Executive would normally reply, he or she should do so in the usual way, taking special care to avoid becoming involved in any matters of political controversy.
6. Enquiries concerning policies newly announced in a Party Manifesto or for a comparison of the policies of different Parties, are for the political Party concerned. Civil servants should not provide any assistance on these matters. See also paragraph 14

### **Correspondence**

7. Officials should draft replies, whether for official or Ministerial signature, with particular care to avoid Party controversy, especially criticism of the policies of other Parties. Ministers may decide to amend draft replies to include a Party political context. Where this is the case, Ministers should be advised to issue the letter on Party notepaper. The guiding principle is whether the use of Departmental resources, including headed paper, and of Departmental and other resources would be a proper use of public funds for Ministerial as opposed to Party political purposes, and could be defended as such.

### **Speed of Response**

8. The circumstances of a General Election demand the greatest speed in dealing with enquiries. In particular, the aim should be to answer enquiries from Parliamentary candidates or from any of the political parties' headquarters within twenty-four hours. All candidates should be treated equally. Where a request will take longer to deal with, the requester should be advised of this as he/she may wish to submit a refined request.

### **FOI requests**

9. Requests which would normally be covered by the Freedom of Information Act (FOIA) must be handled in accordance with the requirements of the Act, and deadlines set therein. Where the application of the public interest balance requires more time, that is permitted under the Act but there is no general power to defer a decision.
  
10. Where a request needs to be considered under FOIA it will not normally be possible to get back to the Parliamentary candidate, or others within 24 hours and he or she should be advised of this as they may wish to submit a request more in line with paragraph 8 above.

### **Role of Ministers in FOIA decisions**

11. Ministers have a number of statutory functions in relation to requests for information. They are the qualified person for the purpose of using section 36 of the Act for their departments, and are also responsible for signing certificates under sections 23 and 24. During the General Election period, Ministers will be expected to continue to carry out these functions.
  
12. Where there is any doubt, requests should be referred to Roger Smethurst, Head of Knowledge and Information Management at the Cabinet Office (roger.smethurst@cabinetoffice.gov.uk).

### **Briefing and Support for Ministers**

13. Ministers continue to be in charge of Departments. It is reasonable for Departments to continue to provide support for any official functions the Minister performs, and any policy advice necessary to resolve issues that cannot be deferred until after the Election, and to provide factual briefing.
  
14. Departments can check statements for factual accuracy and consistency with established Government policy. Officials should not, however, be asked to devise new arguments or cost policies for use in the Election campaign. Departments should not undertake costings or analysis of opposition policies during the Election period.

### **Officials attending public or stakeholder events**

15. Officials should decline invitations to events where they may be asked to respond on questions about future Government policy or on matters of public controversy.

### **Constituency Correspondence**

16. During the Election period, replies to constituency letters received from Members of Parliament before the Dissolution, or to similar letters from Parliamentary candidates, should take into account the fact that if they become public knowledge they will do so in the more politically charged atmosphere of an Election and are more likely to become the subject of political comment. Outstanding correspondence should be cleared quickly. Letters can be sent to former MPs at the House of Commons after Dissolution, to be picked up or forwarded. Departments and Agencies whose staff routinely deal directly with MPs' enquiries should ensure that regional and local offices get early guidance on dealing with questions from Parliamentary candidates. Such guidance should reflect the following points:

- a. Once Parliament is dissolved, a Member of Parliament's constitutional right to represent his or her constituents' grievances to Government disappears, and all candidates for the Election are on an equal footing. This doctrine should be applied in a reasonable way. In general, replies should be sent by Ministers to constituency letters written by MPs before Dissolution. Where there is a pressing need for Ministers to reply to letters on constituency matters written after the Dissolution by former Members, this should be handled in a way that avoids any preferential treatment or the appearance of preferential treatment between letters from the Governing parties and those from other candidates. It will normally be appropriate to send a Private Secretary reply to letters on constituency matters from prospective Parliamentary candidates who were not Members before the Dissolution.

- b. The main consideration must be to ensure that the citizen's interests are not prejudiced. But it is possible that a personal case may become politically controversial during the Election period. Departments should therefore make

particular efforts to ensure, so far as possible, that letters are factual, straightforward and give no room for misrepresentation.

c. Replies to constituency correspondence to be sent after polling day should, where there has been a change of MP, normally be sent direct to the constituent concerned. It should be left to the constituent to decide whether or not to copy the letter to any new MP. Where there is no change in MP, correspondence should be returned to the MP in the normal way.

## **SECTION B**

### **Special Advisers**

1. Special Advisers who wish to take part in the General Election campaign or help in a Party headquarters or research unit during such a campaign must first resign their appointments.
2. Special Advisers who resign and leave the department, will no longer have preferential access to papers and officials. Any request for advice from a former Special Adviser will be treated in the same way as requests from other members of the public.
3. On resigning, Special Advisers should return all departmental property eg mobile phones, blackberries, remote access and other IT equipment. These can be returned to the individual should they be re-appointed. Special Advisers may leave a voicemail message or out of office reply on departmental IT with forwarding contact details.
4. Special Advisers receive severance pay on resignation, or when their appointment is terminated. Severance pay for special advisers is taxable and will be paid as a lump sum. The amount an individual is entitled to will be determined by their length of service as set out in the *Model Contract for Special Advisers*. Special Advisers are required to agree that if they are reappointed, they will repay any amount above that which they would have been paid in salary had they remained in post. Any excess severance must be repaid in a lump sum to their employing departments.
5. If it is agreed, exceptionally, that a special adviser should remain in post during the purdah period, their appointment will be automatically terminated the day after polling day. In those cases, Special Advisers may continue to give advice on Government business to their Ministers as before. They must continue to adhere to the requirements of the Special Adviser Code and may not take any public part in the campaign. Guidance Note A is also relevant in relation to the commissioning of briefing.

6. If there is no change of Government following the Election, a Special Adviser may be re-appointed. The Prime Minister's approval will be required before any commitments are made, and a fresh letter of appointment issued, including for any advisers who have stayed in post.

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## **SECTION C**

### **Contacts with the Opposition Party**

1. The Prime Minister authorised pre-election contacts between the main Opposition Party and Permanent Secretaries from 1 October 2014. These contacts are strictly confidential and are designed to allow Opposition spokesmen to inform themselves of factual questions of Departmental organisation and to inform civil servants of any organisational changes likely in the event of a change of Government.
2. Separate guidance on handling such contacts is set out in the Directory of Civil Service Guidance.

## **SECTION D**

### **Contact with Select Committees**

1. House of Commons Select Committees set up by Standing Order continue in existence, technically, until that Standing Order is amended or rescinded. In practice, when Parliament is dissolved pending a General Election, membership of Committees lapses and work on their inquiries ceases.
2. House of Lords Select Committees are not set up by Standing Orders and technically cease to exist at the end of each Session.
3. The point of contact for Departments continues to be the Committee Clerk who remains in post to process the basic administrative work of the Committee (including the publication after Dissolution of any reports which the Committee had authorised prior to Dissolution).
4. Departments should continue to work, on a contingency basis, on any outstanding evidence requested by the outgoing Committee and on any outstanding Government responses to Committee Reports. It will be for any newly appointed Ministers to approve the content of any response. It will be for the newly appointed Committee to decide whether to continue with its predecessor Committee's inquiries and for the incoming administration to review the terms of draft responses before submitting to the newly appointed Committee.
5. It is for the newly appointed Committee to decide whether to publish Government responses to its predecessor's Reports. There may be some delay before the Committee is reconstituted, and an incoming Government may wish to publish such responses itself by means of a Command Paper.

## **SECTION E**

### **Political Activities of Civil Servants**

1. Permanent Secretaries will wish to remind their Departments of the general rules governing national political activities. These are set out in the Civil Service Management Code and Departmental staff handbooks.

#### **Scope**

2. For this purpose, the Civil Service is divided into three groups:
  - the “politically free” - industrial and non-office grades;
  - the “politically restricted” - members of the Senior Civil Service, civil servants in Grades 6 and 7 (or equivalent) and members of the Fast Stream Development Programme;
  - civil servants outside the “politically free” and “politically restricted” groups.
3. Civil servants on secondment to outside organisations remain civil servants and the rules relating to political activity continue to apply to them. Departments should seek to contact individuals on secondment outside the civil service to remind them of this. Individuals seconded into the Civil Service are also covered by these rules for the duration of their appointment.

#### **Civil Servants Standing for Parliament**

4. All civil servants are disqualified from election to Parliament (House of Commons Disqualification Act 1975) and must resign from the Civil Service before standing for election. Individuals must resign from the Civil Service on their formal adoption as a prospective Parliamentary candidate, and must complete their last day of service before their adoption papers are completed. If the adoption process does not reasonably allow for the individual to give full notice, departments and agencies may at their discretion pay an amount equivalent to the period of notice which would normally be given.

### **Other Political Activity**

5. “Politically restricted” civil servants are prohibited from any participation in national political activities.
6. All other civil servants may engage in national political activities with the permission of the Department which may be subject to certain conditions.

### **Reinstatement**

7. Departments and agencies must reinstate former civil servants who have resigned from “politically free” posts to stand for election and whose candidature has proved unsuccessful, provided they apply within a week of declaration day.
8. Departments and Agencies have discretion to reinstate all other former civil servants who have resigned to stand for election and whose candidature has proved unsuccessful. Former civil servants in this category seeking reinstatement should apply within a week of declaration day if they are not elected. Departments are encouraged to consider all applications sympathetically and on their merits. For some individuals, it may not be possible to post them back to their former area of employment because, for instance, of the sensitivity of their work and/or because their previous job is no longer vacant. In these cases, every effort should be made to post these staff to other areas rather than reject their applications.

## **SECTION F**

### **Cabinet and Official Documents**

1. In order to enable Ministers to fulfil their continuing responsibilities as members of the Government during the Election period, Departments should retain the Cabinet documents issued to them.
2. If there is no change of Government after the Election, Ministers who leave office or who move to another Ministerial position must surrender any Cabinet or Cabinet Committee papers or minutes (including electronic copies) and they should be retained in the Department in line with the Cabinet Document Officer's Handbook. Ministers who leave office or move to another Ministerial position should also not remove or destroy papers which are the responsibility of their former Department: that is, those papers which are not personal, Party or constituency papers.
3. If a new Government is formed, all Cabinet and Ministerial Cabinet Committee documents issued to Ministers should be destroyed. Clearly no instructions can be given to this effect until the result of the Election is known, but Permanent Secretaries may wish to alert the relevant Private Secretaries.
4. The conventions regarding the access by Ministers and Special Advisers to papers of a previous administration are explained in more detail in the Directory of Civil Service Guidance. Further guidance to Departments will be issued once the outcome of the Election is known.
5. More detailed guidance on managing records in event of a change of administration will be held by your Departmental Records Officer. The Head of Knowledge and Information Management in the Cabinet Office ([roger.smethurst@cabinetoffice.gov.uk](mailto:roger.smethurst@cabinetoffice.gov.uk) - 0207 276 6324) can also provide further advice and written guidance can be found here <http://www.nationalarchives.gov.uk/documents/popapersguidance2009.pdf>.

## **SECTION G**

### **Government Decisions**

1. During an election campaign the Government retains its responsibility to govern and Ministers remain in charge of their Departments. Essential business must be carried on. In particular Cabinet Committees can continue to meet and consider correspondence if necessary, although in practice this may not be practical. If something requires urgent collective consideration, the Cabinet Secretary should be consulted.
2. However, it is customary for Ministers to observe discretion in initiating any action of a continuing or long-term character. Decisions on matters of policy, and other issues such as large and/or contentious procurement contracts, on which a new Government might be expected to want the opportunity to take a different view from the present Government should be postponed until after the Election, provided that such postponement would not be detrimental to the national interest or wasteful of public money.

### **Statutory Instruments**

3. The principles outlined above apply to making statutory instruments. Detailed guidance on the making of statutory instruments following the announcement of a General Election is available on the website of the Office of Public Sector Information at [www.opsi.gov.uk/si/si-practice.doc](http://www.opsi.gov.uk/si/si-practice.doc). Further guidance can be obtained from the Legislation and Publishing Services Team at [legislation@nationalarchives.gsi.gov.uk](mailto:legislation@nationalarchives.gsi.gov.uk).
4. The general principle that Ministers should observe discretion in initiating any new action of a continuing or long-term character applies to the making of Commencement Orders, which during the election period should be exceptional.

## **SECTION H**

### **Public and Senior Civil Service Appointments**

1. All appointments requiring approval by the Prime Minister, and other Civil Service and public appointments likely to prove sensitive (including those where Ministers have delegated decisions to officials or other authorities), should be frozen until after the Election, except in exceptional circumstances (further detail below). This applies to appointments where a candidate has already accepted a written offer but not yet taken up their post. The individual concerned should be told that the appointment will be subject to confirmation by the new Administration after the Election.
2. It is recognised that this may result in the cancellation (or delay) of an appointment by the new Administration, and that the relevant Department could be vulnerable to legal action by a disappointed candidate. To reduce the risk of this, Departments might wish to:
  - recommend to their Secretary of State the advisability of delaying key stages in the process, or of consulting the Opposition (eg on a short-list of candidates or a single name for final selection) where an appointment is likely to take effect just before or after an Election;
  - issue a conditional letter of offer, making it clear that the formal offer of the appointment will need to be confirmed by a new Administration.
3. In cases where an appointment is due to end between Dissolution and Election Day, and no announcement has been made concerning the new appointment, it will normally be possible for the post to be left vacant or the current term extended until incoming Ministers have been able to take a decision either about re-appointment of the existing appointee or the appointment of a new person. This situation is also likely to apply to any appointments made by Letters Patent, or otherwise requiring Royal approval, since it would not be appropriate to invite Her Majesty to make a conditional appointment.

4. In exceptional cases where it is not possible to apply these temporary arrangements and there is an essential need to make an appointment, Departments may wish to advise their Ministers about consulting the Opposition before a final decision is taken. Departments should consult the Centre for Public Appointments in the Cabinet Office (centreforpublicappointments@cabinetoffice.gov.uk)
5. In the case of public and Senior Civil Service appointments, Departments should delay the launch of any open competition during an Election period, to give any incoming Administration the option of deciding whether to follow the existing approach.
6. In those cases where an appointment is required to be made, it is acceptable, in the case of sensitive Senior Civil Service positions, to allow temporary promotion.

## **SECTION I**

### **Communication Activities during a General Election**

1. The general principle governing communication activities during a General Election is to do everything possible to avoid competition with Parliamentary candidates for the attention of the public. In addition, it has always been recognised that special care must be taken during the course of an Election since material produced with complete impartiality which would be accepted as objective in ordinary times, may excite criticism during an Election period when feelings are running high. All communication activity should be conducted in line with Government Communication Service Propriety and Social Media Guidance.
2. Departmental communications staff may properly continue to discharge their normal function during the Election period, to the extent of providing factual explanation of current Government policy, statements and decisions. They must be particularly careful not to become involved in a partisan way in Election issues.
3. During the Election period, access to Departmental briefing systems will be restricted to permanent civil servants who will produce briefing, and answer requests for information, in line with the principles set out in Section A of the Election guidance. Any updating of lines to take should be confined to matters of fact and explanations of existing Government policy in order to avoid criticism of serving, or appearing to serve, a party political purpose.

### **News Media**

4. In response to questions Departments should, where possible, provide factual information by reference to published material, including that on websites. Specific requests for unpublished material should be handled in accordance with the requirements of the Freedom of Information Act. Routine factual press notices may continue to be issued - for example statistics which are issued on a monthly or regular basis or drawing attention to and as necessary summarising reports of

publicly-owned bodies, independent committees etc which a Department is required to publish.

5. There would normally be no objection to issuing routine factual publications, for example, health and safety advice but these will be decided on a case by case basis taking account of the subject matter and the intended audience. A similar approach should apply to blogs and social media.
6. Press releases and other material normally sent to Members of Parliament should cease on the Dissolution of Parliament.
7. Statements which refer to the future intentions of the Government should not be handled by a Department. The proposals should be handled by the relevant Party. Where a Minister considers it necessary to hold a press conference to make clear the Government's policies on a particular subject of **immediate importance**, then his or her Department must provide facilities and give guidance. Ultimately, each case must be judged on its merits, including consideration of whether an announcement needs to be made.
8. The Propriety and Ethics Team in the Cabinet Office should be consulted before a Minister makes an official Ministerial announcement during the Election period.
9. Statements or comments referring to the policies, commitments or perceived intentions of Opposition parties should not be handled by Departments.

#### **Press Articles, Interviews, and Broadcasts by Ministers**

10. During the Election period, arrangements for newspaper articles, interviews and broadcasts by Ministers, including on-line, will normally be made on the political network. Care should be taken by communications staff in arranging any press interviews for Ministers during this period because of the possibility that such interviews would have a strong political content. They should not arrange broadcasts through official channels unless they are satisfied there is a need to do so and that the Minister is speaking in a Government, not Party, capacity.

## **Paid Media**

11. **Exhibitions.** Official exhibitions on a contentious policy or proposal should not be kept open or opened during the Election period. Official exhibitions which form part of a privately sponsored exhibition do not have to be withdrawn unless they are contentious in which case they should be withdrawn.
12. **Window Displays.** Normal display of factual information on official premises may continue but promotional displays should be withdrawn or withheld.
13. **Films, video and photographs** from departmental libraries or sources should not be made available for use by political Parties.
14. **Printed material** should not normally be given any fresh distribution in the United Kingdom during the Election period, in order to avoid any competition with the flow of Election material. The effect on Departments which distribute posters and leaflets to the public is as follows:
  - a. **Posters.** The normal display of existing posters on official premises may continue but efforts should not be made to seek display elsewhere. Specific requests by employers, trade unions etc for particular posters may, however, be met in the ordinary way.
  - b. **Leaflets.** Small numbers of copies of leaflets may be issued on request to members of the public and to Parliamentary candidates. Bulk supplies should not be issued to any individuals or organisations without appropriate approval.
  - c. **Export promotion** stories for overseas use may continue to be sought but it must be made clear on each occasion that this information is needed for use abroad.
  - d. **Official “filler” films** and **radio tapes** transmitted in intervals or public service periods of TV and radio programmes may be limited in consultation with the BBC and OFCOM.
15. **Advertising.** New advertising campaigns will in general be postponed and running campaigns closed. However, some advertising (for example recruitment,

health and safety) might be specifically approved by the Permanent Secretary, in consultation with Propriety and Ethics Team.

16. **Research.** Fieldwork involving interviews with the public or sections of it will be postponed or abandoned although regular, continuous and on-going statistical surveys may continue.

### **Social Media and Digital Channels**

17. Official websites, and social media channels publish government content. They will be scrutinised closely by the news media and the political Parties during the Election period and content must be handled with great care.

### 18. **Publishing content online:**

- a. Material that has already been published in accordance with the rules on propriety and which is part of the public domain record can stand. It may also be updated for purely factual accuracy for example, a change of address. However, while it can be referred to in handling media enquiries and signposting in response to enquiries from the public nothing should be done to draw further attention to it.
- b. Social media and blogs updating the public with essential factual information may continue (eg transport delays) but social media and blogs which comment on Government policies and proposals should not be updated for the duration of the Election period.
- c. Ministers' biographies and details of their responsibilities can remain on sites, no additions should be made. Social media profiles should not be updated during this period.
- d. Site maintenance and planned functional and technical development for existing sites can continue, but this should not involve new campaigns or extending existing campaigns.
- e. **News sections of websites and blogs** must comply with the advice on press releases. News tickers and other mechanisms, should be discontinued for the Election period.
- f. In event of an emergency, digital channels can be used as part of crisis communications activity in the normal way.

### **Further Guidance**

19. In any case of doubt about the application of this guidance in a particular case, communications staff should consult the Director, Government Communication Service or the departmental Permanent Secretary who will liaise with Propriety and Ethics in the Cabinet Office.

## **SECTION J**

### **Guidance on Consultations and e-petitions during an Election period**

1. In general, consultations **should not** be launched during the Election period. If there are exceptional circumstances where launching a consultation is considered **essential** (for example, for safeguarding public health), permission should be sought from the Propriety and Ethics Team in the Cabinet Office (proprietyandethicsteam@cabinetoffice.gov.uk).
2. If a consultation is ongoing at the time Parliament dissolves, it should continue as normal. However, Departments should not take any steps during an election period that will compete with Parliamentary candidates for the public's attention. This effectively means a ban on publicity for those consultations that are still in process.
3. As these restrictions may be detrimental to a consultation, departments are advised to decide on steps to make up for that deficiency while strictly observing the guidance. That can be done, for example, by:
  - o prolonging the consultation period; and
  - o putting out extra publicity for the consultation after the Election in order to revive interest (following consultation with any new Minister).
4. Some consultations, for instance those aimed solely at professional groups, and which carry no publicity, will not have the impact of those where a very public and wide-ranging consultation is required. Departments need, therefore, to take into account the circumstances of each consultation. Some may need no remedial action – but this is a practical rather than propriety question so long as Departments observe the broader guidance here.

5. During the Election period, Departments may continue to receive and analyse responses with a view to putting proposals to the incoming Government but they should not make any statement or generate publicity during this period.
  
6. The same principles apply to the Number 10 e-petitions website. During the Election period, no new e-petitions will be able to be created nor will current e-petitions be available for further signature.

## **SECTION K**

### **Statistical Activities during a General Election**

1. This note gives guidance on the conduct of statistical activities across government during a General Election period.<sup>1</sup> The same principles apply to social research and other Government analytical services.
2. Under the terms of the Statistics and Registration Service Act 2007, The UK Statistics Authority, headed by the National Statistician, is responsible for promoting and safeguarding the integrity of official statistics. It should be consulted in any cases of doubt about the application of this guidance.

### **Key Principles**

3. Statistical activities should continue to be conducted in accordance with the Code of Practice for Official Statistics and the UK Government's Pre-release Access to Official Statistics Order 2008, taking great care, in each case, to avoid competition with Parliamentary candidates for the attention of the public.

### **Statistical publications, releases, etc**

4. The greatest care must continue to be taken to ensure that information is presented impartially and objectively.
5. Regular pre-announced statistical releases (e.g. press notices, bulletins, publications or electronic releases) will continue to be issued and published. Any other ad hoc statistical releases should be released only in exceptional circumstances and with the approval of the National Statistician, consulting with the Propriety and Ethics Team in the Cabinet Office where appropriate. Where a pre-announcement has specified that the information would be released during a specified period (e.g. a week, or longer time period), but did not specify a precise day, releases should not be published within the Election period.

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<sup>1</sup> This includes Departments and their Agencies and other relevant public bodies including all public bodies deemed to be producers of official statistics by dint of an Order in Parliament.

### **Requests for information**

6. Any requests for unpublished statistics, including from Election candidates, should be handled in an even-handed manner, in accordance with the Freedom of Information Act. Guidance on handling FOI requests can be found in Section A.

### **Commentary and Briefing**

7. Special care must be taken in producing commentary for inclusion in announcements of statistical publications issued during the Election period. Commentary which would be accepted as impartial and objective analysis or interpretation at ordinary times, may attract criticism during an Election. Commentary by civil servants should be restricted to the most basic factual clarification during this period. Ultimately the content of the announcement is left to the discretion of the departmental Head of Profession, seeking advice from the National Statistician as appropriate.
8. Pre-Election arrangements for statistics, whereby pre-release access for briefing purposes is given to Ministers or Chief Executives (and their appropriate briefing officials) who have policy responsibility for a subject-area covered by a particular release, should continue - in accordance with the principles embodied in the UK Government's Pre-release Access to Official Statistics Order 2008.
9. In general, during this period, civil servants involved in the production of official statistics will not provide face to face briefing to Ministers. Only if there is a vital operational need for information, (e.g. an out of the ordinary occurrence of market sensitive results with significant implications for the economy, or some new management figures with major implications for the running of public services), should such briefing be provided. Any such briefing should be approved by the National Statistician.
10. Requests for advice on the interpretation or analysis of statistics should be handled with care, and in accordance with the guidance in paragraphs 6 and 7.
11. Requests for factual guidance on methodology should continue to be met.

12. Requests for small numbers of copies of leaflets, background papers or free publications which were available before the Election period may continue to be met but no bulk issues to individuals or organisations should be made without appropriate approval. Regular mailings of statistical bulletins to customers on existing mailing lists may continue.

**Censuses, Surveys and other forms of quantitative or qualitative research enquiry**

13. Regular, continuous and on-going censuses and surveys of individuals, households, businesses or other organisations may continue. Ad hoc surveys and other forms of research which are directly related to and in support of a continuing statistical series may also continue. Ad hoc surveys that may give rise to controversy or be related to an Election issue should be postponed or abandoned.

**Consultations**

14. Statistical consultations which are on-going at the point at which Parliament dissolves should continue as normal, but any publicity for such consultations should cease. New public consultations, even if pre-announced, should not be launched but should be delayed until after the result of the Election is officially declared.

**Further Advice**

15. If officials working on statistics in any area across government are unsure about any matters relating to their work during the Election period, they should seek the advice of their Head of Profession in the first instance. Heads of Profession should consult the National Statistician in any cases of doubt. (The Office of the National Statistician can be contacted via Joseph Moore on 020 7592 8627). Queries relating to social research, or other analytical services should similarly be referred to the Departmental lead and Permanent Secretary's office in the first instance. Further advice can be sought from the Propriety & Ethics team in the Cabinet Office.

## SECTION L

### Use of Government Property

1. Neither Ministers, nor any other Parliamentary candidates, should involve Government establishments in the General Election campaign by visiting them for electioneering purposes.
2. In the case of NHS property, decisions are for the relevant NHS Trust but should visits be permitted to, for example, hospitals, the Department of Health advise that there should be no disruption to services and the same facilities should be offered to other candidates. In any case, it is advised that Election meetings should **not** be permitted on NHS premises.
3. Decisions on the use of other public sector and related property must be taken by those legally responsible for the premises concerned - for example, for schools, the Governors or the Local Education Authority or Trust Board, and so on. If those concerned consult Departments, they should be told that the decision is left to them but that they will be expected to treat the candidates of all Parties in an even handed way, and that there should be no disruption to services.

## **SECTION M**

### **European Union and International Business**

1. This guidance specifically addresses European Union business, but the same principles will also apply to the conduct of international business.
2. EU and international business will continue as normal during the period of the General Election. For example, Ministers will be entitled to attend meetings of the Council of Ministers of the European Union and to pursue government policy, e.g. in engaging with European and other key international institutions and their member states. But they should observe discretion on new initiatives and before stating new positions or making new commitments.
3. Separate guidance on the scrutiny of European documents during and following an Election period is available from the European and Global Issues Secretariat of the Cabinet Office [EGISelectionqueries@cabinetoffice.gov.uk](mailto:EGISelectionqueries@cabinetoffice.gov.uk).

### **Council meetings**

4. It is important that Ministers attend meetings of the Council in person wherever possible.
5. The devolved legislatures are not dissolved. Their business continues largely as normal.
6. Decisions on Ministerial attendance and representation at Council meetings will continue to be taken on a case by case basis by the lead UK Minister. For EU Council of Ministers meetings this will be in line with the arrangements outlined in the Memorandum of Understanding and the EU Concordat.
7. When Ministers speak at Council meetings, they are fully entitled to pursue existing UK Government policies. We should expect business to be conducted broadly as normal, although there may be cases where Ministers decide that, in view of the Election, we should try to get items or votes postponed on particularly

sensitive issues. All Ministers, whether from the UK Government or the Devolved Administrations, should avoid exploiting Council engagements for electoral purposes.

8. Where a Minister is unable to attend a Council meeting, the UK may be represented by a senior official. In this case, where an item is likely to be pressed to a decision (a legislative decision, or some other form of commitment, e.g. a resolution, conclusions), officials should engage in negotiations and vote in line with the cleared UK position and in line with a detailed brief cleared by the lead UK Minister. Officials should engage actively where there will be a general discussion or orientation debate, but should seek to avoid taking high profile decisions on issues of domestic political sensitivity. If decisions fall to be taken at a Council which risk being controversial between the UK political parties, Departments should consult their Permanent Secretary about the line to follow who may in turn wish to consult the Cabinet Office.

### **The Justice and Home Affairs Opt-In**

9. Some decisions under the UK's opt-in for measures in the field of Justice and Home Affairs (JHA) will need to be made during this period. Separate advice on JHA opt-in decisions is available from the European and Global Issues Secretariat. Departments should work closely with UKRep and EGIS to discuss individual cases and should allow good time for clearance via the European Affairs Committee. Please see below for the revised arrangements on parliamentary scrutiny.

### **Ministerial Correspondence**

10. The reduced availability of Ministers during the Election period means that for purely practical reasons it will be better to avoid Ministerial correspondence if possible. But there may be an unavoidable need for Ministerial correspondence in certain cases. This may arise, for example, through the need for officials to have sufficiently clear negotiating instructions in advance of a Council meeting, for a decision on the application of the JHA opt-in, in accordance with the time lines set

out in the JHA Protocol, or as a result of the agreed UK position coming under pressure in the closing stages of negotiation. The need for collective agreement should not be overlooked and the Cabinet Secretary consulted as necessary. Cabinet Office meetings at official level may be a sensible pre-cursor to Ministerial correspondence. Under the appropriate guidance, it is always open to Private Secretaries to sign off letters which have been approved by their Ministers.

### **European Parliament**

11. Whitehall departments should continue to provide factual written briefing to all UK MEPs on Commission and other proposals as well as on legislative items before the European Parliament. This may also apply to non-legislative resolutions on which MEPs are voting. Officials, particularly those in UKRep, should respond to any factual enquiries (including oral) from MEPs on such matters. It may also be appropriate for officials to offer oral and/or written briefing to MEPs on specific issues on the Parliament's agenda where there are major UK interests at stake. This must obviously be done in a non-partisan manner, and be offered to individual or small groups of MEPs on the basis that they have a particular interest in the issue and not because they belong to a particular political party.
  
12. This guidance is subject to the existing FCO guidance on contacts with MEPs from extremist or racist parties.

### **Lobbying of the Commission and other Member States**

13. Similar considerations should be borne in mind in any bilateral lobbying at official level of the Commission or other members states. UKRep must always be informed of any intention to lobby the Commission at Ministerial or official level, and be given the opportunity to accompany lobbying calls.

### **Appointments to the EU Institutions**

14. The UK should not make nominations or put forward candidates for senior appointments in the European or international institutions until after the Election. It remains possible to make nominations or put forward candidates for other

positions. Departments should consult their Permanent Secretary on appointments which risk being controversial between the UK political parties, who may in turn wish to consult the Cabinet Office.

### **Consultation on Commission proposals**

15. It is in order for Departments to proceed with consulting interested groups in the UK on proposals put forward by the Commission if it is essential to do so and provided that such consultations are of a routine nature, are carried out in a non-partisan manner, and are not likely to become issues in the domestic electoral debate.

### **Relations with the Press**

16. Departmental Communication staff may properly continue to discharge during the Election period their normal function only to the extent of providing factual explanation of current Government policy, statements and decisions. They must be particularly careful not to become involved in a partisan way in Election issues.

17. It will continue to be appropriate for UKRep to give non-attributable press briefing before Councils, provided this is done in a factual and low key way. Ministers attending Councils will no doubt wish to brief the press afterwards in the normal manner. But where officials attend Councils in place of Ministers, they should be particularly circumspect in responding to the press on any decision or discussion in the Council which could be regarded as touching on matters of domestic political sensitivity. If Departments wish to issue press notices following Council meetings on the discussions or decisions that took place, they should be essentially factual. Any comment, especially on items of domestic sensitivity, should be made by Ministers. In doing so, consideration will need to be given as to whether such comment should be handled by the Department or the Party.

## **Parliamentary Scrutiny**

18. Separate guidance on the scrutiny of European documents during and following an Election period is available from the European and Global Issues Secretariat of the Cabinet Office. The key points are:

- I. Scrutiny continues as normal until the Dissolution or Prorogation if Parliament is prorogued earlier;
- II. No formal deposit of documents during the Dissolution, but documents will continue to be supplied to the Clerks and the Vote Office. Cabinet Office will continue to ask Departments to prepare Explanatory Memorandums (EMs), but these are unsigned and do not include a ‘policy implications’ section. Informal EMs are not submitted to Parliament but copies are sent to the Clerks;
- III. If it is necessary to give agreement to proposals in the Council after Parliament has been dissolved but before Scrutiny is complete, the Minister should write to the Chairs of the Committees in the usual way explaining why (but until the Committees are reappointed and the names of the Chairs known, the letters should be addressed “Dear Chair”). If there is an outstanding debate recommendation, a written statement to the House may be required at the earliest opportunity after the State Opening, and the debate should be held as soon as is practicable;
- IV. After the State Opening of Parliament, completed signed EMs should be submitted as soon as possible.

19. Similar arrangements will apply to the scrutiny of decisions on the JHA opt in during this period. The informal EM should not set out the government’s view on whether or not it would opt-in to the proposed measure. If it is necessary to opt-in to a measure after Parliament is dissolved, the Minister should write to the Chairman of the Committees in the usual way explaining why. The Minister should similarly write to the Chairman of the Committees if it is necessary to opt-in to a measure in circumstances when it has not been possible for the Committees to submit views within the specified eight week period.

20. In the event of a change of Government it will be necessary to obtain Ministerial agreement to the Scrutiny procedures to be followed. In any event, it may take some time before the Scrutiny Committees are re-established. Cabinet Office will keep Departments informed.

21. Further advice on the issues raised in this guidance can be obtained from the European and Global Issues Secretariat in the Cabinet Office (EGISelectionqueries@cabinetoffice.gov.uk).

## **SECTION N**

### **The Devolved Administrations**

1. The General Election does not affect the Devolved Administrations in the same way. The devolved legislatures are not being elected, and they, and devolved Ministers in Scotland and Wales, will continue to carry out their devolved functions in those countries as usual.
2. Under the Civil Service Code, which also applies to civil servants based in Scotland and Wales, civil servants in the devolved administrations owe their loyalty to those administrations, not to the UK Government. Accordingly, this guidance does not apply to them. They will continue to support their Ministers in their work.
3. However, the Devolved Administrations acknowledge that their activities could have a bearing on the General Election campaign. They have thus issued their own guidance reinforcing the need to maintain political impartiality and to prevent the use of public resources for party-political purposes. While the Devolved Administrations will continue largely as normal, they are aware of the need to avoid any action which is, or could be construed as being, party-political or likely to have a direct bearing on the General Election. Staff in the Devolved Administrations will continue to refer requests for information about reserved issues from MPs, Parliamentary candidates and political parties to the relevant UK Department. Requests for information about devolved issues will be handled in accordance with relevant FoI legislation, taking account of the need for prompt responses in the context of an Election period.
4. Officials in the Devolved Administrations are subject to the rules in Section E as regards their personal political activities, in the same way as UK Government officials.

5. Discussions with the Devolved Administrations during the Election period should be conducted in this context. For more general details on how best to work with the Devolved Administrations see the Cabinet Office guidance at [www.cabinetoffice.gov.uk/devolution](http://www.cabinetoffice.gov.uk/devolution)).

## **SECTION O**

### **Public Bodies**

1. NDPBs and other arm's length public sector bodies do spend public money and make public announcements, use Government property and a small number can employ civil servants. Accordingly, the general principles and conventions set out in this guidance apply to the board members and staff of all NDPBs and similar public bodies.
2. As always, it is important that NDPBs and other public sector bodies avoid becoming involved in party political controversy. Decisions on individual matters are for the bodies concerned in consultation with their sponsor Department who will wish to consider whether proposed activities could reflect adversely on the work or reputation of the NDPB or public body in question.