

MAY 2017 ELECTIONS: GUIDANCE ON CONDUCT

1. On Thursday 4 May 2017, elections will be taking place in a number of local authorities in England, Wales and Scotland, including for directly elected mayors to Combined Authorities and some local district councils. 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. Separate conduct guidance has been circulated by the Devolved Administrations to their staff.

2. The period of sensitivity preceding the local and mayoral 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 13 April 2017.

3. These elections are different from a UK General Election. The UK Government will remain in office whatever the outcome of the elections. Ministers will continue to carry out their functions in the usual way. 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 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:

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

General Principles

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

- 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;
- care should also be taken in relation to proposed visits;
- 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;
- there should be even-handedness in meeting information requests from the different political parties and campaigning groups; and
- 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 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. Any 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. 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 (see paragraph 25 below for contact details).

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. 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, or impact on areas where local elections are being held, should generally not be launched during the period between 13 April and 4 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 on-going 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. 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 that 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 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 at the Cabinet Office (e-mail: gcs.propriety@cabinetoffice.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 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 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 periods, 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 Devolved Administrations in relation to devolved statistics), which should be read as though it is part of that Code. Regular pre-announced statistical releases (e.g. press notices or bulletin publications) will continue to be issued and published. 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 6-8 of this note and with the Code of Practice for Official 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 National Statistician can be contacted via Joseph Moore (e-mail: joseph.moore@statistics.gsi.gov.uk) or Joe Cuddeford (e-mail: joe.cuddeford@statistics.gsi.gov.uk), and the Government Economic and Social Research Team can be contacted via Emma Gordon (e-mail: emma.gordon@hmtreasury.gsi.gov.uk).

Political Activities

17. Political activity connected with local and mayoral elections falls within the definition of **local** political activity.

18. Detailed guidance on the restrictions on civil servants' involvement in a private capacity in local political activities is set out in section 4.4 of the *Civil Service Management Code* (<http://www.civilservice.gov.uk/about/resources/civil-service-management-code>), and in departmental staff handbooks.

Special Advisers

19. The rules on special advisers' involvement in national and local political activities are set out in the *Code of Conduct for Special Advisers* (<https://www.gov.uk/government/publications/special-advisers-code-of-conduct>).

20. After consultation with their appointing Minister, special advisers who wish to take part in the election campaign may do so in their own time and out of office hours. Official resources must not be used in support of the elections.

Non-Departmental Public Bodies (NDPBs) and other Arm's Length Bodies (ALBs)

21. NDPBs and other ALBs spend public money, make public announcements, use Government property and may employ civil servants. This guidance therefore also applies to their activities. Sponsor departments must ensure that staff and board members of their NDPBs and other ALBs are aware of the guidance. Sponsor departments should be consulted in cases of doubt.

Further Advice

22. In cases of doubt, in the first instance you should consult your Permanent Secretary's Office, or the Propriety and Ethics Team in the Cabinet Office (e-mail: proprietyandethicsteam@cabinetoffice.gov.uk).

Cabinet Office
April 2017

LIST OF LOCAL ELECTIONS 2017

- **In England, local elections will be taking place in all 27 county councils, seven unitary authorities, and one metropolitan borough council.**
- **Mayoral elections will be taking place in six Combined Authorities, and to two local district councils.**
- **In Scotland and Wales, local elections will be taking place in all local authorities.**

England: County Councils (all seats)

**Derbyshire
Leicestershire
Lincolnshire
Northamptonshire
Nottinghamshire
Cambridgeshire
Essex
Hertfordshire
Norfolk
Suffolk
Cumbria
Lancashire
Buckinghamshire
East Sussex
Hampshire
Kent
Oxfordshire
Surrey
West Sussex
Devon
Dorset
Gloucestershire
Somerset
Staffordshire
Warwickshire
Worcestershire
North Yorkshire**

England: Metropolitan Borough Councils (all seats):

Doncaster

England: Unitary Authorities (all seats)

Cornwall

Durham
Isle of Wight
Isles of Scilly
Northumberland
Shropshire
Wiltshire

Scotland:

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

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

England: Local District Mayors

North Tyneside

Doncaster

Mayoral elections to Combined Authorities in England

Combined Authority Area	Constituent local authorities
Greater Manchester	Bury, Bolton, Manchester, Oldham, Rochdale, Salford, Stockport, Tameside, Trafford and Wigan
Liverpool City Region	Knowsley, Liverpool, St Helens, Sefton, Wirral and Halton
Tees Valley	Darlington, Hartlepool, Middlesbrough, Redcar and Cleveland and Stockton-on-Tees
West Midlands	Birmingham, Solihull, Sandwell, Coventry, Wolverhampton, Dudley, Walsall
Cambridgeshire and Peterborough	Peterborough, Fenland, Huntingdonshire, East Cambridgeshire, Cambridge, South Cambridgeshire, Cambridgeshire
West of England	Bristol, Bath & North East Somerset and South Gloucestershire