

## MAY 2021 ELECTIONS: GUIDANCE ON CONDUCT

1. On Thursday 6 May 2021, elections will be taking place to the Scottish Parliament; the Welsh Senedd; some local authorities in England will be holding elections and local referendums, including elections to the London Assembly; elections will also be taking place for a number of directly elected Mayors, and for Police and Crime Commissioners (PCCs) in England and Wales. Further information on the areas affected is attached at **Annex A**. This note provides guidance to civil servants in Her Majesty's 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 the Devolved Administrations from 25 March for the elections to the Scottish Parliament and the Welsh Senedd.** Separate conduct guidance has been circulated in the Devolved Administrations.
3. **The period of sensitivity preceding the council, mayoral, and PCC 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 15 April 2021.** 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 central government in this guidance.
4. These elections are different from a UK General Election. Her Majesty's Government will remain in office whatever the outcome of the elections. HMG 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 the Scottish and Welsh Governments, and local government than for Her Majesty's Government. **Subject to the principles set out below, HM Government business across UK matters can continue unaffected.**

5. However, it needs to be borne in mind that the activities of Her Majesty's 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 Her Majesty's 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.
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:
  - 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.
  - Officials should not be asked to provide new arguments for use in election campaign debates.
8. As with all Her Majesty's Government Ministers, the Secretaries of State for Scotland and Wales will continue to be in charge of their respective departments,

and civil servants should continue to support them. 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 and PCC 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 territorial Secretaries of State (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 contact Propriety and Ethics in the Cabinet Office.

### **Announcements**

13. Similarly, national announcements by Her Majesty's 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**

14. Public consultations with a particular emphasis on devolved, local or PCC issues, or 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 Propriety and Ethics.
15. 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. During this period, departments may continue to receive and analyse responses. Departments should also consider extending consultation periods after the election to allow all parties sufficient time to respond. This is particularly important where a consultation will require the participation of the Devolved Administrations or Local Authorities, which are under their own pre-election restrictions during this period.

### **Communication activities**

16. 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 devolved, local or PCC issues.
17. 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**

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

19. 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**

20. Her Majesty's Government departments should carefully consider the handling of primary legislation that includes provisions on devolved matters during the election period. For Scotland and Wales it is not possible for the respective executives to seek their legislature's consent for provisions in Her Majesty's Government Bills that require Legislative Consent Motions during the election period as the legislatures will either be in recess or dissolved. This is also likely to be the case for a number of weeks after the elections. Departments with Bills containing provisions that may impact on the Devolved Administrations or require Legislative Consent Motions should therefore discuss the position with the Parliamentary Business and Legislation Team in the Cabinet Office, the Territorial Offices, and their policy contacts in the relevant executives. Further guidance may be sought from the Parliamentary Business and Legislation Team in the Cabinet Office.

### **Statistical and social research activities**

21. 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.

22. 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 8-10 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**

23. 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**

24. Some appointments, including public appointments, made by HMG Ministers could have an effect on the Devolved Administrations, for example where the remit of the body concerned is UK wide. 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 Public Appointments Policy team in the Cabinet Office. Queries on other appointments should be directed to Propriety and Ethics in the first instance.

### **Political activities**

25. Political activity connected with the devolved Parliamentary elections and the PCC elections falls within the definition of **national** political activity. Political activity connected with local and mayoral elections falls within the definition of **local** political activity.

26. 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*

(<http://www.civilservice.gov.uk/about/resources/civil-service-management-code>), and in departmental staff handbooks.

### **Special Advisers**

27. The rules on Special Advisers' involvement in local and national political activities are set out in the *Code of Conduct for Special Advisers*:

<https://www.gov.uk/government/publications/special-advisers-code-of-conduct>.

28. 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)**

29. 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.

### **Further advice**

30. In cases of doubt, in the first instance you should consult your Permanent Secretary's Office, who may then contact Propriety and Ethics in the Cabinet Office.

### **Cabinet Office**

March 2021

## LIST OF ELECTIONS TAKING PLACE IN MAY 2021

- Elections will take place to the Scottish Parliament and Welsh Senedd.
- In England, elections will take place to 21 County Councils, 35 Metropolitan borough councils, 28 Unitary District Councils, and 60 District Councils.
- There will be elections to the London Assembly, and for the Mayor of London, as well as 7 Combined Authority Mayoral Elections and 5 Single Authority Mayoral Elections. Elections will also be held to the Council of the Isles of Scilly.
- Elections will also take place for 39 Police and Crime Commissioners in England and Wales.

### County Councils (21):

1. Cambridgeshire
2. Derbyshire
3. Devon
4. East Sussex
5. Essex
6. Gloucestershire
7. Hampshire
8. Hertfordshire
9. Kent
10. Lancashire
11. Leicestershire
12. Lincolnshire
13. Norfolk
14. Nottinghamshire
15. Oxfordshire
16. Staffordshire
17. Suffolk
18. Surrey
19. Warwickshire
20. West Sussex
21. Worcestershire

### Metropolitan borough election by whole council (3)

1. Doncaster
2. Rotherham
3. Salford

### Metropolitan borough election by thirds (32)

1. Barnsley
2. Bolton
3. Bradford
4. Bury
5. Calderdale
6. Coventry

7. Dudley
8. Gateshead
9. Kirklees
10. Knowsley
11. Leeds
12. Liverpool
13. Manchester
14. Newcastle upon Tyne
15. North Tyneside
16. Oldham
17. Rochdale
18. Sandwell
19. Sefton
20. Sheffield
21. Solihull
22. South Tyneside
23. St Helens
24. Stockport
25. Sunderland
26. Tameside
27. Trafford
28. Wakefield
29. Walsall
30. Wigan
31. Wirral
32. Wolverhampton

### Unitary District Councils electing by whole Council (13)

1. Bristol
2. Buckinghamshire
3. Cornwall
4. County Durham
5. Halton
6. Hartlepool
7. Isle of Wight
8. North Northamptonshire



9. Northumberland
10. Shropshire
11. Warrington
12. West Northamptonshire
13. Wiltshire

**Unitary District Councils electing by thirds (15)**

1. Blackburn with Darwen
2. Derby
3. Hull
4. Milton Keynes
5. North East Lincolnshire
6. Peterborough
7. Plymouth
8. Portsmouth
9. Reading
10. Slough
11. Southampton
12. Southend
13. Swindon
14. Thurrock
15. Wokingham

**District Councils election by whole council (7)**

1. Gloucester
2. Stroud
3. Basingstoke and Deane
4. Cambridge
5. Chorley
6. Oxford
7. Pendle

**District Councils election by half council (6)**

1. Adur
2. Cheltenham
3. Fareham
4. Gosport
5. Hastings
6. Nuneaton and Bedworth

**District Councils election by thirds (47)**

1. Amber Valley
2. Basildon
3. Brentwood
4. Broxbourne
5. Burnley
6. Cannock Chase
7. Castle Point
8. Cherwell
9. Colchester
10. Crawley

11. Eastleigh
12. Elmbridge
13. Epping Forest
14. Exeter
15. Harlow
16. Hart
17. Havant
18. Hyndburn
19. Ipswich
20. Lincoln
21. Maidstone
22. Mole Valley
23. North Hertfordshire
24. Norwich
25. Preston
26. Redditch
27. Reigate and Banstead
28. Rochford
29. Rossendale
30. Rugby
31. Runnymede
32. Rushmoor
33. St Albans
34. Stevenage
35. Tamworth
36. Tandridge
37. Three Rivers
38. Tunbridge Wells
39. Watford
40. Welwyn Hatfield
41. West Lancashire
42. West Oxfordshire
43. Winchester
44. Woking
45. Worcester
46. Worthing
47. Wyre Forest

**London Assembly Elections (14)**

1. Barnet & Camden
2. Bexley & Bromley
3. Brent & Harrow
4. City & East
5. Croydon & Sutton
6. Ealing & Hillingdon
7. Enfield & Haringey
8. Greenwich & Lewisham
9. Havering & Redbridge
10. Lambeth & Southwark
11. Merton & Wandsworth
12. North East
13. South West
14. West Central

**Combined Authority Mayoral Elections (7)**

1. Cambridgeshire and Peterborough
2. Greater Manchester
3. Liverpool City Region
4. Tees Valley
5. West Midlands
6. West of England
7. West Yorkshire

**Single Authority Mayoral Elections (5)**

1. Bristol
2. Doncaster
3. Liverpool
4. North Tyneside
5. Salford

**Other (2)**

1. Election for the Mayor of London
2. Elections to the Council of the Isles of Scilly

**Police and Crime Commissioner Elections (39)**

1. Avon & Somerset
2. Bedfordshire
3. Cambridgeshire
4. Cheshire
5. Cleveland
6. Cumbria
7. Derbyshire

8. Devon and Cornwall
9. Dorset
10. Durham
11. Dyfed-Powys
12. Essex
13. Gloucestershire
14. Gwent
15. Hampshire
16. Hertfordshire
17. Humberside
18. Kent
19. Lancashire
20. Leicestershire
21. Lincolnshire
22. Merseyside
23. Norfolk
24. North Wales
25. North Yorkshire
26. Northamptonshire
27. Northumbria
28. Nottinghamshire
29. South Wales
30. South Yorkshire
31. Staffordshire
32. Suffolk
33. Surrey
34. Sussex
35. Thames Valley
36. Warwickshire
37. West Mercia
38. West Midlands
39. Wiltshire