

2004 ELECTIONS TO THE EUROPEAN PARLIAMENT, LOCAL AUTHORITIES AND TO THE GREATER LONDON AUTHORITY

GUIDANCE FOR CIVIL SERVANTS ON CONDUCT

1. Elections to the European Parliament, local elections in England and Wales and elections to the Greater London Authority (GLA) will be held on 10 June. This note provides guidance to civil servants on their role and conduct during the forthcoming campaigns.

2. These elections are different from a General Election. The Government will remain in office whatever the outcome and it is not only essential business, but all the business of Government, which will continue. However, there is a tendency by all political parties to approach these elections from a national point of view, with nationally produced material. It is important therefore that civil servants take particular care during this period to ensure that they conduct themselves in accordance with the Civil Service Code. In particular, civil servants are under an obligation:-

- Not to undertake any activity which could call into question their political impartiality;
- To ensure that public resources are not used for party political purposes.

3. Particular care should be exercised in relation to the announcement of sensitive decisions with a European, local or London dimension, and in relation to paid publicity campaigns.

4. The general convention is that particular care should be taken in the **three weeks** preceding the elections; in this case, from **20 May 2004**. Departments will therefore wish to take this into account in the forward planning of activities and announcements.

General Principles

5. The following general principles should be observed by all civil servants, including Special Advisers:-

- a) There should be even-handedness in meeting information requests from candidates from different political parties. Such requests and responses should be handled in accordance with the principles laid down in the Code of Practice on Access to Government Information. Departments should aim to respond to such requests within 24 hours;
- b) Particular care should be taken over official support, and the use of public resources, including publicity, for Ministerial

announcements which have a bearing on matters relevant to the European, local or GLA 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;

- c) Similar care should be taken over announcements of decisions made at official level;
- d) Special care should be taken in respect of paid publicity campaigns which should not be open to criticism that they are being undertaken for party political purposes.

6. In addition, the requirements set out in the Political Parties, Elections and Referendums Act 2000 will also apply to these elections. Departments should take care to observe the requirements set out in the Act.

Ministerial Visits

7. Official support should not be given to visits and events with a party political or campaigning purpose. In cases of doubt, further guidance should be sought from the Propriety and Ethics Team in the Cabinet Office on 0207 276 2471 / 2470.

Official Information

8. In presenting Government policy and providing publicity and advertising material during the campaigns – whether on paper, electronically or via other media - civil servants should continue to take their customary care to conform with the publicity conventions set out in the Guidance on the Work of the Government Information Service which require that their activities should:-

- Be relevant to Government responsibilities;
- Be objective and explanatory, not tendentious or polemical;
- Not be, or liable to misrepresentation as being, party political;
- Be conducted in an economic and appropriate way, having regard to the need to be able to justify the costs as expenditure of public funds.

9. Official websites will be scrutinised closely by the news media and the political parties during the election period and must be handled with great care.

10. In all cases of doubt, guidance should be sought from the Director of Operations, Government Information and Communication Service.

Political Activities

11. Political activity connected with the European Parliamentary elections falls within the definition of national political activity. Political activity connected with the local and GLA elections falls within the definition of local political activity.

12. Detailed guidance on the restrictions on civil servants' involvement in national and local political activities is set out in section 4.4 of the Civil Service Management Code and Departmental staff handbooks.

Special Advisers

13. For the European elections, special advisers who wish to take part in the election campaign, or to help with these elections in a Party headquarters or research unit, must first resign their appointment. Special advisers who resign in these circumstances will not be entitled to severance pay as their resignation is voluntary.

14. The restrictions on special advisers' involvement in national political activities are set out in the Code of Conduct for Special Advisers. In respect of the European Parliamentary elections special advisers must be careful not to take any public part in the campaign. They should not, for example, accompany their Minister on campaign visits or brief the press on election-related party political issues. Nor can this activity be done on unpaid leave. However, in an individual's own time, backroom support such as stuffing envelopes and liaison with the Party are permitted.

15. For the local elections and GLA elections, special advisers may undertake all forms of 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 elections should note that any campaigning must be done outside office hours or on paid or unpaid leave from their Departments.

16. Official resources such as telephones, computers, fax machines and official stationery must not be used in support of any of these elections.

Statistical Activities

17. During these elections, statistical activities should continue to be conducted in accordance with the National Statistics Code of Practice and the accompanying protocol on release practices. Requests for information should continue to be handled in accordance with the Code of Practice on Access to Government Information and with the National Statistics Code of Practice. For further guidance on statistical activity during these elections please consult your Head of Profession or the National Statistician.

Non-Departmental Public Bodies

18. NDPBs and other public sector bodies do spend public money and make public announcements, use Government property and can employ civil servants. Decisions on individual matters are for the bodies concerned but in cases of doubt NDPBs should consult their sponsor department who will wish to consider whether proposed activities would reflect adversely on the work of the NDPB or reduce public confidence in it.

Further Advice

19. In cases of doubt, further advice should be sought from the Propriety and Ethics Team in the Cabinet Office on 0207 276 2471.