

REFERENDUMS ON ESTABLISHING ELECTED REGIONAL ASSEMBLIES: GUIDANCE FOR CIVIL SERVANTS ON THEIR ROLE AND CONDUCT

1. This note provides guidance to civil servants on their role and conduct during the referendum campaigns for elected Regional Assemblies and accompanying referendums about the structure of local government.
2. The referendum campaigns for elected Regional Assemblies and local government structures are different from a General Election in that the Government will remain in office whatever the outcome and it is not only essential business but also all the business of Government which will continue.
3. However, it is important civil servants take particular care during this period to ensure that they conduct themselves in accordance with the requirements of 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: and
 - to ensure that public resources are not used for party political purposes.
4. The Political Parties, Elections and Referendums Act 2000 (PPERA) will apply. In particular, for 28 days immediately before the poll, tight restrictions will apply as set out in Section 125 of the PERA – text set out an annex A.
5. This note draws attention to the areas where sensitive issues might arise.

General Principles

The following general principles should be observed:

- a) particular care should be taken over the use of official resources, including publicity, relating to ministerial announcements which could have a bearing on the referendum campaigns;

- b) similar care should be taken over announcements of decisions made at official level.
- c) There should be even-handedness in meeting information requests from the different political parties and campaigning groups.
- d) Special care should be taken in respect of paid publicity campaigns as tight restrictions will apply as set out in PPERA.

REFERENDUM CAMPAIGN

Dealing with Enquiries and Requests for Information

6. Officials should be ready to explain the Government's position on behalf of Ministers in response to enquiries. Requests from or on behalf of campaigners should be treated urgently – the aim should be to respond within one day. Essentially this means that all (written, telephone and e-mail) queries should be dealt with promptly, using wherever possible, factual information or material already in the public domain. In all cases it should be made clear that any views given on the merits of the proposals are those of Ministers, and replies should be confined to the Government's case, with no view offered on the merits of different position being taken by others in the campaign.

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

Official Information

8. Those with a vote in the referendum should have access to accurate information explaining the important proposals on which they are being asked to decide. In providing explanatory information on the Government's policy on establishing elected regional assemblies or local government structural changes, the long-standing conventions set out in *Guidance on the Work of the Government Information Service* will apply.

Support to Ministers

9. Civil servants should continue to provide support – briefing and speeches - to Ministers for official regional visits, attendance at conferences etc where the elected regional assemblies will be an issue for discussion. Civil servants should, in the normal way, take care not to act in a way which risks calling into question their political impartiality. For example, in the case of events organised by:

- groups formed to campaign for a particular referendum outcome; or
- the political parties;
- groups of which membership of a particular political party is a condition of membership; or
- groups with very strong associations with political parties;

civil servants should not attend and should ensure that any supporting material is confined to an exposition of the Government's position.

Period between announcement of poll on specific region(s) to start of 28 day campaign period

10. During this period, the Political Parties, Elections and Referendums Act imposes restrictions on expenditure of the political parties or others campaigning on the referendum. It is important therefore that during this period, civil servants take particular care relating to ministerial announcements and paid publicity to avoid any criticism that official resources are being used for party political purposes.

During the 28 day campaign period

11. There are very tight restrictions on Government publicity during this period – see annex A. Essentially, Government departments, local authorities and NDPBs are prohibited from publishing material about a referendum in the 28 day period ending with the date of the poll. The Electoral Commission will be running a campaign to encourage people to vote. There would be no restrictions on the freedom of speech of

Ministers, but political parties would have to observe financial limits imposed on their total referendum campaigning expenditure.

Civil servants participation in the campaign as private individuals

12. Political activity associated with these campaigns falls within the definition of local political activity. Separate guidance at annex B sets out the key principles to be observed by civil servants participating – in a private capacity – in political activities in support of these elections.

Non-Departmental Public Bodies

13. Guidance for Board members of NDPBs on their involvement in political activities is set out in the model codes of practice for Board Members. NDPBs do spend public money and make public announcements, use Government property and can employ civil servants. Members of NDPB Boards may therefore only participate in the referendum campaigns – whether for a “Yes” or “No” vote - in their capacity as private citizens. They should avoid engaging in specific activities on matters directly affecting the work of the body of which they are a member. In cases of doubt an individual should consult their sponsor department. The requirements of the PPERA also apply.

14. Staff in NDPBs will also need to observe this guidance during the Referendum campaign.

CABINET OFFICE

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EXTRACT

Chapter III

Controls on publications

125.(1) This section applies to any material which –

- (a) provides general information about a referendum to which this Part applies;
- (b) deals with any of the issues raised by any questions on which such a referendum is being held;
- (c) puts any arguments for or against any particular answer to any such question; or
- (d) is designed to encourage voting at such a referendum.

(2) Subject to subsection (3), no material to which this section applies shall be published during the relevant period by or on behalf of –

- (a) any Minister of the Crown, government department or local authority; or
- (b) any other person or body whose expenses are defrayed wholly or mainly out of public funds or by any local authority.

(3) Subsection (2) does not apply to –

- (a) material made available to persons in response to specific requests for information or to persons specifically seeking access to it;
- (b) anything done by or on behalf of the Commission or a person or body designated under section 108 (designation of organisations to whom assistance is available);
- (c) the publication of information relating to the holding of the poll; or
- (d) the issue of press notices;

and subsection (2)(b) shall not be taken as applying to the British Broadcasting Corporation or Sianel Pedwar Cymru.

(4) In this section –

- (a) “publish” means make available to the public at large, or any section of the public, in whatever form and by whatever means (and “publication” shall be construed accordingly);
- (b) “the relevant period”, in relation to a referendum, means the period of 28 days ending with the date of the poll.

REFERENDUMS ON ESTABLISHING ELECTED REGIONAL ASSEMBLIES: GUIDANCE FOR CIVIL SERVANTS, INCLUDING SPECIAL ADVISERS, ON THEIR INVOLVEMENT IN POLITICAL ACTIVITIES

Purpose

1. This note provides guidance to civil servants, including special advisers, on involvement – in a private capacity – in political activities relating to the referendums on establishing elected regional assemblies and the accompanying local government referendums.
2. Civil servants wishing to take part in a private capacity in political activities associated with these referendums will need to take special care to avoid being dragged into party political controversy, which could call their future impartiality – or the impartiality of the Civil Service – into question.

The Rules

Civil Servants' participation in the Referendum Campaign for elected regional assemblies

3. For the purposes of these rules the Civil Service is divided into three groups:
 - (i) the “politically free” – industrial and non-office grades
 - (ii) the “politically restricted” – members of the Senior Civil Service, civil servants in Grades 6 and 7 (or departmental equivalents) plus members of the fast Stream Development (Programme (Administrative and European); and
 - (iii) the “intermediate group” – all other civil servants.
4. Civil servants in the politically restricted group must seek permission to take part in campaigning for elected regional assemblies or local government referendums. Civil servants in the intermediate group must also seek permission to participate in such activities unless they are in a grade or areas of work that has already been given permission to do so by way of a specific mandate from their department or agency. If in any doubt, please contact your Personnel Officer. Civil Servants in the politically free group do not need to seek permission to participate in campaigning.
5. In deciding whether or not to grant staff in the politically restricted or intermediate group permission to take part in political activities relating to the referendum campaigns for elected regional assemblies, departments and agencies must apply the following guidelines. Permission should normally be:

(a) refused only where civil servants are employed in sensitive areas where the political impartiality of the Civil Service must be beyond question; and

(b) granted in all other circumstances. Departments and agencies must ensure that the civil servants concerned are aware of the need to observe the standards of conduct set out in section 4.4.10 and 4.4.11 Annex A of the Civil Service Management Code.

6. Departments and agencies must give civil servants who are refused permission to take part in political activities, or who have their permission to do so withdrawn a full explanation of the reasons for the decision, and inform them of their right of appeal to the Civil Service Appeal Board (see section 12.1 of the Civil Service Management Code).

Standards of Conduct

7. Civil servants participating in political activities should avoid acting in ways which would enable members of the public to associate their campaigning activities with the Civil Service and so put its impartiality at risk.
8. They must take particular care to express comment with moderation, particularly about matters for which their own Ministers are responsible; to avoid comment altogether about matters of political controversy affecting the responsibility of their own Ministers, and to avoid person attacks. They must also take care to avoid any embarrassment to Ministers or to their department or agency which would result, inadvertently or not, from bringing themselves prominently to public notice, as civil servants, in party political controversy.

Special Advisers

9. Under the terms of their contract, special advisers – with the approval of their Minister – may undertake all forms of local political activity. In doing so, they must at all times observe discretion, take care to express comment with moderation and avoid personal attacks. Special Advisers planning to help with campaigning during the referendum period should do so in their own time i.e. outside office hours or using their annual leave or unpaid leave.

Further advice/clarification

10. Staff who are uncertain whether, and on what basis they may participate in the referendum campaign(s) should consult their line managers who in turn should consult their Personnel Units. The Propriety and Ethics Team in the Cabinet Office (020 7276 2470/2471) also stand ready to provide advice.