



CabinetOffice

GENERAL ELECTION GUIDANCE 2005

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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 special need to maintain, and be seen to maintain, the impartiality of the Civil Service.

2. 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. 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.

3. The principles underlying the conduct of civil servants in a General Election are simply an extension of those which apply at all times, as set out in the Civil Service Code (www.cabinetoffice.gov.uk/propriety_and_ethics/civil_service/civil_service_code.asp) and the Ministerial Code (www.cabinetoffice.gov.uk/propriety_and_ethics/ministers/ministerial_code/index.asp). The basic principle for civil servants is not to undertake any activity which could call into question their political impartiality or could give rise to the criticism that public resources are being used for Party political purposes.

4. Clearly the application of these principles needs to be particularly sensitive during this period. The following Guidance Notes provide more detailed advice on questions of procedure and conduct.

5. If appropriate, officials should seek guidance from their Head of Department who may consult the Head of the Home Civil Service and Cabinet Secretary, or the Propriety and Ethics Team in the Cabinet Office. On publicity matters, guidance should be sought from the Permanent Secretary Government Communications, as necessary. Similarly, the advice of the National Statistician should be sought in relation to statistical matters.

GUIDANCE NOTE A

Dealing with Enquiries, Briefing and Requests for Information

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 campaign period; and
- the handling of constituency letters received from Members of Parliament before the Dissolution, and of similar letters from Parliamentary candidates during the campaign.

It also sets out the role during the Election of the Propriety and Ethics Team and the Cabinet Secretary's private office in the Cabinet Office.

General

2. At a General Election, the Government of the day is expected to vindicate its policies to the electorate. By convention the Government Party is entitled to ensure 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, and should provide consistent factual information on request to candidates of all Parties, as well as to organisations and members of the public.

Requests for Factual Information

3. Departments and Agencies should provide any Parliamentary candidate, candidate for any combined local election, organisation or any 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 to them, referring doubtful cases to headquarters 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. Where the enquiry concerns the day-to-day management of a Next Steps Agency and the Chief Executive would normally reply, he or she should do so in the usual way, taking special care to avoid any matters of political controversy, particularly where he or she normally has a visible public profile. Similarly, other civil servants, including professionals employed by the Civil Service, may provide factual information publicly, including in television or radio interviews, but should in all instances avoid becoming involved or appearing to become involved, in a partisan way in Election issues. This may be particularly sensitive at events where officials may be asked to respond on questions on current Government policy in a public forum.

5. In some other cases, where, for example, the correspondence concerns policies newly announced in the Labour Party Manifesto or where it calls for a comparison of the policies of different Parties, it will be appropriate to refer the correspondence immediately to Labour Party Headquarters.

6. Otherwise a reply should be sent by the responsible Minister or his or her Private Secretary. Officials should draft such 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 adapt draft replies prepared in this way to make party political points or to refer to proposals newly announced in the Labour Party Manifesto. In all such cases the letter should be signed by a Minister who should be invited (on advice) to make a judgement on whether the letter should issue from him or her in a Ministerial capacity on Departmental letter paper, or should be regarded as being written on behalf of the Labour Party. The guiding principle is whether the use of Departmental letter paper and of Departmental, secretarial 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

7. The circumstances of a General Election demand the greatest speed in dealing with enquiries. In particular, the aim should be to answer inquiries from Parliamentary candidates or from any of the political parties' headquarters within twenty-four hours.

8. Requests which are covered by the Freedom of Information Act (FOIA) must be handled in accordance with the requirements of the Act ie within 20 working days following receipt of the request. 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.

9. Therefore, where a request needs to be considered under FOIA it will not normally be possible to get back to the parliamentary candidate, or candidate for any combined local election, within 24 hours and he or she should be advised of this.

Role of Ministers in FOIA decisions

10. 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, the normal business of Government continues and Ministers will be expected to carry out these functions.

11. Where there is any doubt, requests should be referred to the appropriate Minister's Private Office after consulting FOI specialists and the Propriety and Ethics team in the Cabinet Office

Briefing of Ministers

12. 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, policy advice necessary to resolve issues which cannot be deferred until after the Election, and factual briefing. It is in order for Departments to check statements for factual accuracy and consistency with established Government policy. Officials should not, however, be asked to devise new arguments for use in Election campaign debates, and departments should not undertake new costings of opposition policies during a campaign.

EU Business

13. EU business will, of course, continue as normal during the Election campaign. In addition, in 2005 the UK holds the EU presidency and with this comes certain obligations which must be fulfilled. Ministers will be entitled to attend meetings of the Council of

Ministers of the European Union and to pursue existing Government policy, eg in engaging with the Commission, the European Parliament and other member states, but should avoid major new initiatives or exploiting Council engagements for electoral purposes. 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. Likewise, officials should respond to any factual enquiries (including oral) from UK MEPs on such matters. Separate guidance on the scrutiny of European documents during and following an Election campaign is available from the European Secretariat of the Cabinet Office.

14. If a Minister wishes to suggest a topic on which guidance should be given to Labour candidates, the suggestion should be sent to Labour Party Headquarters.

Constituency Correspondence

15. 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 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 regional staff commonly deal direct with MPs' enquiries should ensure that their regional offices get early guidance on dealing with questions from Parliamentary candidates. While it is impossible to cover every contingency or lay down hard and fast rules, the following observations may be of help.

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 an Election are strictly speaking on an equal footing; but this doctrine should be applied in a reasonable way. In general, replies should be sent by Ministers to constituency letters written by MPs before the Dissolution. In many cases it will be courteous for Ministers to reply to letters on constituency matters written after the Dissolution by former Members. This should be handled in a way which avoids any discrimination or appearance of discrimination on constituency correspondence between letters from Labour and other candidates. It will normally be appropriate to send a Private Secretary reply to letters on constituency matters from all candidates who were not Members before the Dissolution.

b. Clearly the main consideration must be to ensure that the citizen's interests are not prejudiced. But it is quite possible that a personal case may become politically controversial during the Election campaign. Departments should therefore make particular efforts to ensure, so far as possible, that letters are simple, straightforward and give no room for misrepresentation.

c. Replies to constituency correspondence to be sent after polling day should normally be sent to the candidate who wrote the letter being replied to. Where that candidate was unsuccessful, a copy of the letter should normally be sent to the new MP, unless it is clear from the correspondence that this would be unwelcome to the constituent.

Non-Departmental Public Bodies

16. 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.

Election Business

17. The Propriety and Ethics Team of the Cabinet Office will be handling queries relating to conduct during the Election. They will support the Cabinet Secretary's office, and:

- provide advice to Departments on any aspect of the handling of enquiries during the Election period;
- provide any necessary co-ordination where enquiries raise issues which affect a number of Departments.

18. The Cabinet Office Election 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;
- inform it before their Minister makes an important Ministerial statement during the Election campaign.

The team can be contacted on;

020 7276 2471

020 7276 2454

and the Cabinet Secretary's Office on 020 7270 0101

electionqueries@cabinet-office.x.gsi.gov.uk

GUIDANCE NOTE B

Special Advisers

1. Special Advisers who wish to accompany their Ministers in the General Election campaign or help in a Party headquarters or research unit must first resign their appointments. Otherwise their appointments may continue until they cease automatically on the day after Polling Day. In those cases, Special Advisers may continue to give specialist or political advice on Government business to their Ministers as before, but they must not take any public part in the campaign. They should not, for example, take part in public meetings, accompany their Minister on campaign visits or brief the Press on election issues. However, in the individual's own time, support activities such as stuffing envelopes and liaison with the Party are permitted. Any support provided to the Party must be done in the individual's own time outside office hours. Official resources must not be used in support of these activities. Guidance Note A is also relevant in relation to the commissioning of briefing. Any doubtful cases should be referred to the Cabinet Secretary's office.

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, pagers, other IT equipment. This can be returned should they be re-appointed. Special Advisers may leave a 'voicemail' message or out of office reply on departmental mobile phones and other phones with forwarding contact details, but they should not use any departmental property after resigning.

4. Whether Special Advisers resign or stay until their appointments are automatically terminated, they are given severance pay (which as a condition of service is subject to tax) at the rates set out in their appointment letter. Special Advisers are required to agree that if they are reappointed their severance pay will not exceed what their pay would have been in the period between the two periods of employment.

5. If there is no change of Government following the Election, a Special Adviser may be re-appointed. The Prime Ministers approval will be required, and a fresh letter of appointment should be issued.

GUIDANCE NOTE C

Contacts with Opposition Parties

The Prime Minister authorised pre-election contacts with Opposition leaders from 1 January 2005. The confidential nature of these contacts, which 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, continues to apply.

GUIDANCE NOTE 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 enquiries 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. In effect, it is only when Parliament is dissolved that the committee ceases to meet or work, pending reappointment.
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 Government responses to outstanding Committee Reports. It will be for the newly appointed Committee to decide whether to continue with its predecessors enquiries and for the incoming administration to review the terms of existing draft responses.
5. As it is also for the newly appointed Committee to decide whether to publish Government memoranda responding to its predecessors Reports, and since there may be some delay before the Committee is reconstituted, an incoming Government may well wish to publish such responses itself by means of a Command Paper.

GUIDANCE NOTE E

Political Activities of Civil Servants

1. Permanent Secretaries may want to remind their Departments of the general rules governing national political activities.

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) plus members of the Fast Stream Development Programme
- the “intermediate group” - civil servants outside the politically free and “politically restricted” groups

3. All civil servants (whichever group they belong to) are disqualified from election to Parliament (House of Commons Disqualification Act 1975) and must therefore resign from the Civil Service before standing for election. Civil servants on secondment to outside organisations remain civil servants and the rules relating to political activity continue to apply to them. Individuals seconded into the Civil Service are also covered by these rules for the duration of their appointment.

4. Civil servants in the “politically restricted” or “intermediate group” must comply with the provisions of the Servants of the Crown (Parliamentary, European Parliamentary and Northern Ireland Assembly Candidature) Order 1987. They must resign from the Civil Service on their formal adoption as a Parliamentary candidate or prospective 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.

5. Civil servants in the “politically free” group must submit their resignation before they give their consent to nomination in accordance with the Parliamentary Election rules; they are not required to resign on adoption as a prospective candidate.

6. Setting aside Parliamentary candidature, the “politically free” group may engage without restriction in national political activities, defined as:

holding, in a Party political organisation, office which impinges wholly or mainly on party politics in the field of Parliament or the European Parliament; speaking in public on matters of national political controversy; expressing views on such matters in letters to the Press, or in books, articles or leaflets; being announced publicly as a candidate or prospective candidate for Parliament or the European Parliament; and canvassing on behalf of a candidate for Parliament or the European Parliament or on behalf of a political Party.

7. “Politically restricted” civil servants are totally debarred from national political activities (as described in paragraph 6).

8. “Intermediate group” civil servants may engage in national political activities by permission of the Department and subject to certain conditions eg see paragraph 4. Permanent Secretaries might want to

reflect Departmental arrangements for this group in the reminder given to their staff as at paragraph 1.

9. Departments and agencies must reinstate former civil servants who have resigned from politically unrestricted posts to stand for election and whose candidature has proved unsuccessful, provided they apply within a week of declaration day. If civil servants in this Group are elected, they must still be subsequently reinstated if they satisfy certain conditions which are set out in the Civil Service Management Code (Section 4.4).

10. Departments and Agencies have discretion to reinstate former civil servants who have resigned from the politically restricted or intermediate groups 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.

GUIDANCE NOTE F

Cabinet and Official Documents

1. In order to enable Ministers to fulfil their continuing responsibilities as members of the Government during the Election campaign, Departments will wish to retain during the campaign the Cabinet documents issued to them. If there is no change of Government after the Election, Ministers who leave office or who move to another Ministerial position will be requested not to take away any Cabinet or Cabinet Committee papers or minutes. If the Government lose the Election the Prime Minister will immediately require Ministers to arrange for the destruction of all Cabinet and Ministerial Cabinet Committee documents issued to them. If after leaving office former Ministers wish to have access to Cabinet and Cabinet Committee documents issued to them while in office they can, of course, do so in the Cabinet Office provided that the Radcliffe conventions and procedures are observed (Report of Lord Radcliffe's Committee on Ministerial Memoirs, 1976 Cmd. 6386). Clearly no instructions can be given to this effect until the result of the Election is known, but Permanent Secretaries may wish to warn the relevant Private Secretaries. Permanent Secretaries may also wish to remind themselves of the conventions regarding the access by Ministers to papers of a previous administration, as set out in Volume II of the Directory of Civil Service Guidance:

www.cabinetoffice.gov.uk/propriety_and_ethics/publications/pdf/csg-vol2.pdf

2. Ministers who leave office or move to another Ministerial position should also be requested not to remove or destroy other papers which are the continuing responsibility of Departments: that is, those papers which are not personal, Party or constituency papers.

GUIDANCE NOTE G

Government decisions and appointments

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. 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. Guidance on this and other matters, dealing with such things as briefing, the role of special advisers and use of Government property, can be found in the Election Guidance pack issued by the Cabinet Office (of which this is Note G). Copies can be requested from Permanent Secretaries offices or consulted on the internet :

www.cabinetoffice.gov.uk/propriety_and_ethics/publications/pdf/electguide.pdf

Major Public and Senior Civil Service Appointments

2. All Civil Service appointments requiring approval by the Prime Minister, other Civil Service posts likely to prove sensitive or major public appointments (including any requiring the Prime Minister's approval) should effectively be frozen until after the Election. This applies to appointments where a candidate has already accepted a written offer. The individual concerned should be told that the appointment will be subject to confirmation by the new Administration after the Election.

3. It is recognised that, should this procedure result in the cancellation (or substantial delay) of an appointment by the new Administration, the relevant Department could be vulnerable to legal action for breach of contract by a disappointed candidate who had already accepted a written offer. To reduce the risk of this happening, Departments might wish to:

- recommend to their Secretary of State the advisability either 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.

4. In cases where an appointment is due to end between the announcement of the Election and Election Day, and no announcement has been made concerning the new appointment, it will normally be possible for the appointment to be left vacant 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. In the case of Senior Civil Service posts, Departments may wish to delay the launch of any open competition during an Election period, to give any incoming Minister the option of deciding whether to follow this approach.

5. 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 or substitution for a period of up to six months. In the case of public appointments, the current term may be extended to cover the Election period, or as required, with the prior approval of the Commissioner for Public Appointments. This will allow time for new Ministers to take a decision for longer term appointment. In any cases of doubt, and particularly where circumstances make it difficult to apply these temporary arrangements, Departments should consult the Prime Minister's Office, even if the appointment is not one on which the Prime Minister would normally be consulted.

GUIDANCE NOTE H

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.
2. This paper gives guidance as to how these principles should be applied. Part I deals with the work of communication staff in regard to 'free' media and Part II with paid media. References to communications staff and their units apply equally to all officials involved in similar work. The principles also apply to the use of Internet and similar systems. Because of the much-increased use of the Internet, there is guidance on specific issues at paragraph 10.
3. The Election period should be taken as from the date the General Election is announced although between that date and the dissolution of Parliament it is in order for the Government to clear business.
4. Departmental communications staff may therefore 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.

5. The Knowledge Network and similar departmental systems are part of the Civil Service's supporting infrastructure. During the Election period, access will be restricted to permanent civil servants who will produce briefing, and answer requests for information, in line with the principles set out in Note 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 protect the system from serving, or appearing to serve, a party political purpose. Ministers and Special Advisers will have no direct access to the systems.

6. Rules for the guidance of Departmental communications staff should be broadly as follows:

News media relations

a. 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. There is no objection to issuing routine factual press notices - for example figures 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.

b. There would normally be no objection to issuing routine factual publications, for example, guidance to people working in health or social care or health and safety advice but these will have to be decided on a case by case basis taking account of the subject matter and the intended audience.

- c. Press releases and other material sent to Members of Parliament should cease on the Dissolution of Parliament.
- d. Statements which refer to the future intentions of the Government should not ordinarily be handled by a Department. The proposals should be made by the appropriate Minister in a political speech which would be handled by the Party organisation. Where a Minister considers it necessary to hold a press conference to make clear the Governments policies on a particular subject of immediate importance, then clearly his or her Department must provide facilities and give guidance. The Propriety and Ethics Team in the Cabinet Office and the Permanent Secretary Government Communications should be informed before a Minister makes an important Ministerial statement during the Election campaign.
- e. Statements or comments referring to the policies, commitments or perceived intentions of Opposition parties should not be handled by Departments.
- f. There is a danger that announcements of new items of Government expenditure or commitments to invest in the future, if handled by the Press Office, would be criticised as providing support for the Party in power. On the other hand, there are bound to be fairly routine announcements of this kind, and it might be inappropriate if they were issued through a political speech and the Party machine, to avoid an outside risk of controversy. Provided a Press Notice is couched in entirely non controversial language, there should be no objection to the normal procedure. In particular, it is preferable to avoid, in the Press Notice or in the background notes to editors, any recapitulation of the Government's past achievements in the field which is the subject of the announcement. Ultimately, each case must be judged on its

merits, including consideration of whether an announcement needs to be made.

Press Articles, Interviews, Broadcasts and Webcasts by Ministers

7. During the Election, arrangements for newspaper articles, interviews and broadcasts by Ministers 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; communications staff should remember that the distinction between political and Ministerial broadcasts will be under very close scrutiny during this period. They should not arrange broadcasts through official channels unless they are satisfied that the subject is non-controversial and that the Minister is speaking in a Government, not Party, capacity.

Release of information

8. The provision of information to members of the public, all Parliamentary candidates or organisations should be in accordance with the Freedom of Information Act 2000, any statutory provisions applicable, and the General Election guidance issued by the Cabinet Secretary

www.cabinetoffice.gov.uk/propriety_and_ethics/publications/pdf/electguide.pdf

Where there is any doubt requests should be referred to the appropriate Minister's Private Office after consulting FOI specialists and the Propriety and Ethics team in the Cabinet Office

PART II - Paid Media

9. a. **Exhibitions** which form part of a privately sponsored exhibition should not be withdrawn; but self-contained official exhibitions or privately sponsored ones advocating a politically contentious policy should not be kept open or opened during the Election period.
- b. **Window Displays**. Normal display of factual information on official premises may continue but promotional displays should be withdrawn or withheld.
- c. **Films, videos and photographs** from departmental libraries or sources should not be made available for use by political Parties.
- d. **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:
- i. **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.
- ii. **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.
- e. **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.
- f. **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, ITC and Radio Authority.

g. **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 to continue by the Permanent Secretary Government Communications, in consultation with Propriety and Ethics Team, Cabinet Office.

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

The Internet

10. Official websites, including direct.gov, are a form of broadcasting which perform both news handling and paid publicity roles. They will be scrutinised closely by the news media and the political Parties during the Election period and must be handled with great care. In general, they must comply with the sections of this guidance on free and paid publicity and their principles. There are specific instances in which communications staff and webmasters must take particular care:

a. News sections of websites must comply with the advice on press releases found in paragraphs 7 and 8 of this guidance. News tickers and other mechanisms for “push”, including viral marketing, should be discontinued for the Election period.

b. Webcasts, particularly those involving Ministers, should be avoided.

c. Material that has already been published in line 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 (paragraph 7a), nothing should be done to draw further attention to it.

d. Ministers' biographies and details of their responsibilities can remain on sites, no additions should be made. As Ministers cease to be MPs on the dissolution of Parliament, their details should be amended accordingly.

e. Development work on support systems of existing sites (for example, new forms) can continue, but this should not involve new campaigns or extend existing campaigns. In case of doubt, guidance should be sought from the Permanent Secretary Government Communications (PSGC). Interactive functions such as discussion groups which allow the public posting of comment or debate should be suspended. Some interactive functions can continue. These include mechanisms which support campaigns which started before the period (eg request forms for recruitment packs); those which support the electronic delivery of established services; and those which allow subscription to or personalisation of a site, In all cases of doubt, guidance should be sought from the PSGC.

Facilities for Overseas Visitors

11. Official tours for visitors from overseas are arranged by the Foreign and Commonwealth Office. It will be in the UK interest to provide opportunities for these visitors to see how the Election is conducted; and the following instructions are being issued in connection with the arrangements to be made for them (they are on similar lines to those approved by the political parties in previous General Elections).

a. Tours by official visitors during the election period

Where it is practicable and acceptable to the political Parties, arrangements will be included in the programmes for visits to party headquarters and committee rooms and arrangements may also be made to attend political meetings. Transport may be provided for these purposes if necessary, but the visitors will not be accompanied.

In addition, arrangements may be made to see polling stations and attend the counting of votes; if so, Regional Officers will be authorised to ask for the assistance of the Returning Officer in providing these facilities; and may escort the party if the visitors so desire and provide transport if necessary.

b. Other journalists from overseas

Any foreign journalist - press, television or radio - not being an official visitor, who may ask for assistance should be given the addresses of the central or local Party offices.

Facilities for Information Material for Overseas Use

12. The permission of the political Parties will be sought for any photography, filming and sound recording in particular constituencies, for use overseas.

Further Guidance

13. In any case of doubt about the application of this guidance in a particular case, communications staff should consult the Permanent Secretary Government Communications (020 7276 0650) or their Departmental Permanent Secretary. The PSGC will liaise as necessary with the Propriety and Ethics Team in the Cabinet Office.

14. Copies of more general guidance to civil servants on answering queries from, or providing information to, the public or political Parties can be obtained from any of the above sources or the office of the Cabinet Secretary.

GUIDANCE NOTE I

Guidance on written consultations during an election period

1. The following guidance applies to all UK central government departments who are undertaking public consultations during the UK General Election period.

2. In general, consultations should not be launched during the election period. As soon as an election is called, policy teams should delay the launch of new consultations until the result is officially declared. If there are exceptional circumstances where launching a consultation is considered **essential** (for example, for safeguarding public health), express permission should be sought from the Propriety and Ethics Team in the Cabinet Office.

3. Since policy officials cannot be expected to surmise when a General Election will take place, Departments should continue to launch consultation as normal until an election is formally declared.

4. If a consultation is ongoing at the time an election is called, it should continue as normal, and for the standard 12 week period. 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.

5. 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 to give the required 12 clear weeks; and

- putting out extra publicity for the consultation after the election in order to revive interest.

6. In many cases for instance, consultations aimed solely at professional groups the election campaign and the restrictions on publicity it brings will not have such an impact as 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 election guidance.

7. 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.

GUIDANCE NOTE J

Statistical Activities during a General Election

Introduction

1. This note gives guidance on the conduct of statistical activities in Government Departments and their Agencies during a General Election campaign. It is being circulated by the National Statistician - Head of the Government Statistical Service to Heads of Profession for Statistics and to Survey Control Liaison Officers in Departments and Agencies. It is in accordance with the general principles identified in the Election Guidance issued to Heads of Departments by the Cabinet Office, of which it forms Note J, and in keeping with the specific guidance issued to Departments on how to deal with enquiries and requests for information in the Election period. The National Statistician is responsible for promoting the integrity of official statistics and should be consulted in any cases of doubt about the application of this guidance.

Key Principles

2. During a General Election period (from the day on which the Election is called to the day after polling day) statistical activities should continue to be conducted in accordance with the Official Statistics/National Statistics Code of Practice, while taking great care to avoid competition with Parliamentary candidates for the attention of the public. Civil servants must take care to ensure that they do not engage in or appear to engage in Party politics or be used for Party political purposes. This leads to some key guidelines.

Guidelines

3. The greatest care must continue to be taken to ensure that information is presented impartially and objectively.

4. Regular statistical releases (e.g. press notices, bulletins, publications or electronic releases) will continue to be issued and published on dates which have been pre-announced. Ad hoc statistical releases should be released only where a release date has previously been published or release in the Election period has been clearly intended and publicly known when the election is called. Where the pre announcement specified that the information would be released during a specified period (eg a week, or longer time period), but did not specify a precise day, releases should be published within the specified period. Other ad hoc statistical releases which are not pre-announced and which may be regarded as politically sensitive should not go ahead. If unsure, the advice of the Head of Profession for Statistics and the National Statistician should be sought.

5. Any requests for unpublished statistics should be dealt with in accordance with the requirements of FOIA, and should be released unless an exemption applies. In such cases, advice should be sought from the Head of Profession for Statistics and the National Statistician.

6. 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 excite criticism during an Election. Briefings by civil servants should be restricted to the most basic factual clarification during this period. Ultimately each case must be considered on its own merits and the

content of the announcement left to the discretion of the departmental statistician, seeking advice from the Head of Profession for Statistics and National Statistician as appropriate.

7. During this period, civil servants involved in the production of official statistics will not generally 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.

8. Requests for advice on the interpretation or analysis of statistics should be handled with care, and the guidance in paragraphs 5 and 6 is appropriate.

9. Requests for guidance on methodology should continue to be met.

10. 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.

11. Regular, continuous and ongoing censuses and surveys to individuals, households, businesses or other organisations may continue. So may ad hoc surveys which are directly related to and in support of a continuing statistical series.

12. Ad hoc censuses or surveys to individuals, households, businesses or other organisations may give rise to controversy or be related to an Election issue. Where this is likely, departments may consider postponing or cancelling them. If this is inappropriate, guidance should be sought from the Departmental Head of Profession or if necessary the National Statistician. Each case will be judged on its merits including any costs which would be incurred through cancellation. Non-controversial censuses or surveys, not directly related to any Election issue, may proceed, subject to the usual survey control requirement to obtain Ministerial approval for surveys of businesses and local authorities.

13. If officials working on statistics in any area across government are unsure about any matters relating to statistics during the election period, the advice of their Head of Profession for statistics or of the National Statistician should be sought (ONS can be contacted on 020 7533 6210).

GUIDANCE NOTE K

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 and the Scottish Executive 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 normally to treat the candidates of all Parties in an even handed way.

4. Bodies which are private companies but take civil servants on secondment and have close associations with Departments, should be reminded of the need for the civil servants in their employ to avoid compromising their political impartiality. Departments may also wish to warn such bodies that the period of the campaign will be very sensitive and they may wish to take this into account when making press announcements or devising programmes.

GUIDANCE NOTE L

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 must continue to carry out their devolved functions in those countries in the usual way.

2. Under the Civil Service Code, 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, in consultation with the Cabinet Office 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 all aware of the need to avoid any action which is, or could be construed as being, party-political or otherwise controversial in the context of the General Election. They will respond to requests for information from MPs, candidates and political parties in accordance with Guidance Note A and similarly will not brief or otherwise assist their Ministers in any way that could lead to accusations that public resources were being used for party political purposes.

4. Officials in the devolved administrations are subject to the rules in Guidance Note E as regards their personal political activities, in the same way as UK Government officials.

5. Discussions with the devolved administrations during the campaign period should be conducted in this context, and in line with the remainder of this guidance.