



**CabinetOffice**

***GENERAL ELECTION GUIDANCE 2010***

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# **GENERAL ELECTION GUIDANCE 2010**

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## **GENERAL ELECTION GUIDANCE**

### **PREFACE**

#### **GENERAL PRINCIPLES**

1. A General Election has 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 need to maintain, and be seen to maintain, the impartiality of the Civil Service, and to avoid any criticism of an inappropriate use of official resources.
2. This guidance is published and takes effect the day that the election is announced. The election period should be taken as from the day the General Election is announced although between that time and date and the dissolution of Parliament it is in order for the Government to clear essential business.
3. 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. Advice on handling such issues is set out in this guidance. This guidance will not cover every eventuality, but the principles should be applied to the particular circumstances. Contact details for further advice follow.

4. 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 ([http://www.cabinetoffice.gov.uk/propriety\\_and\\_ethics/civil\\_service/civil\\_service\\_code.aspx](http://www.cabinetoffice.gov.uk/propriety_and_ethics/civil_service/civil_service_code.aspx)) and the Ministerial Code ([http://www.cabinetoffice.gov.uk/propriety\\_and\\_ethics/ministers/ministerial\\_code.aspx](http://www.cabinetoffice.gov.uk/propriety_and_ethics/ministers/ministerial_code.aspx)). 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. This principle also applies to non-civil servants working in Departments. Nor should any such Departmental activity be seen to compete with the election campaign for the public's attention. The principles and conventions set out in this guidance also apply to NDPBs and similar public bodies. Ministers must not use Government resources for party political purposes and must uphold the political impartiality of the Civil Service.
5. Clearly the application of these principles needs to be particularly sensitive during this period. The following guidance provides more detailed advice on questions of procedure and conduct.

### **Election queries**

6. For any detailed queries on this guidance, or other questions, officials should in the first instance seek guidance from their Permanent Secretary who may consult the Cabinet Secretary, or the Propriety and Ethics Team in the Cabinet Office.
7. The Propriety and Ethics Team in the Cabinet Office handles general queries relating to conduct during the Election. They support the Cabinet Secretary, 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.

8. In dealing with queries, the Propriety and Ethics 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;
- consult it before their Minister makes a significant Ministerial statement during the Election campaign.

9. The team can be contacted on [electionqueries@cabinet-office.x.gsi.gov.uk](mailto:electionqueries@cabinet-office.x.gsi.gov.uk) or 020 7276 1898/2471. The Government Communications Propriety team can be contacted on [gcnpropriety@cabinet-office.x.gsi.gov.uk](mailto:gcnpropriety@cabinet-office.x.gsi.gov.uk).

## **SECTION A**

### **Enquiries, Briefing, Requests for Information and attending events**

1. This section 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;
  - attending events and stakeholder engagement;
  - the handling of constituency letters received from Members of Parliament before the Dissolution, and of similar letters from Parliamentary candidates during the campaign; a
  - the handling of FOI requests.

#### **General**

2. At a General Election, the Government of the day is expected to vindicate its policies to the electorate. By convention, the governing Party is entitled to check 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. The handling of press enquiries is covered in Section H.
5. Where the enquiry concerns the day-to-day management of an Executive 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, may provide factual information, but should in all instances avoid becoming involved or appearing to become involved in election issues.
6. In some other cases, where, for example, the correspondence concerns policies newly announced in a Party's Manifesto or where it calls for a comparison of the policies of different Parties, it will be appropriate to refer the correspondent immediately to the political Party concerned.
7. Officials should draft replies, whether for official or Ministerial signature, with particular care to avoid political controversy, especially criticism of Party policies. Ministers may decide to amend draft replies to include a Party political context. Where this is the case, Ministers should be advised to issue the letter on Party

notepaper. The guiding principle is whether the use of Departmental resources, including letter paper, 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**

8. The circumstances of a General Election demand the greatest speed in dealing with enquiries. In particular, the aim should be, wherever possible, to answer enquiries from Parliamentary candidates or from any of the political parties' headquarters within twenty-four hours. Where a request will take longer to deal with, the requester should be advised of this and asked whether he/she wishes to submit a refined request.

### **FOI requests**

9. Requests which would normally be covered by the Freedom of Information Act (FOIA) must be handled in accordance with the requirements of the Act i.e. 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.
10. 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 as they may wish to submit a request more in line with paragraph 8 above.

### **Role of Ministers in FOIA decisions**

11. 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.

12. Where there is any doubt, requests should be referred to the appropriate Minister's Private Office consulting FOI specialists as necessary, the Permanent Secretary's office and/or the Propriety and Ethics Team in the Cabinet Office.

### **Attending public or stakeholder events**

13. These general principles are particularly important in relation to events where officials may be asked to respond on questions about future Government policy or on matters or public controversy in a public forum. In such circumstances officials should err on the side of caution and decline such events.

### **Briefing of Ministers**

14. 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 to provide 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 policies or arguments or cost policies for use in election campaign debates, and departments should not undertake costings or analysis of opposition policies during a campaign.

## **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 the 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. Where there is a pressing need 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 prospective Parliamentary 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 replies to letters are simple, straightforward and give no room for misrepresentation.

c. Replies to constituency correspondence to be sent after polling day should where there has been a change of MP normally be sent direct to the constituent concerned. It should be left to the constituent to decide whether or not to copy the letter to the new MP in cases where the candidate who wrote the letter was either unsuccessful or stood down at the Election. Where there is no change in MP, correspondence should be returned to the MP in the normal way for transmission to the constituent.

## **SECTION 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 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, backroom 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 (e.g. government buildings, e-mail etc) must not be used in support of these activities. Section A is also relevant in relation to the commissioning of briefing. Further advice can be obtained from the Propriety and Ethics Team in the Cabinet 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 e.g. mobile phones, pagers, blackberries, remote access and other IT equipment and official documents. These can be returned to the individual 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 or official resources 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 the *Model Contract for Special Advisers*. 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. Any excess severance must be repaid in a lump sum to their employing departments.
5. If there is no change of Government following the Election, a Special Adviser may be re-appointed. The Prime Minister's approval will be required, and a fresh letter of appointment issued.

## **SECTION C**

### **Contacts with Opposition Parties**

1. The Prime Minister authorised pre-election contacts between the main Opposition Parties and Permanent Secretaries from 1 January 2009. These contacts are strictly confidential and 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.
2. Separate guidance on handling such contacts is set out in the Directory of Civil Service Guidance.

## **SECTION 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 inquiries 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 predecessor Committee's inquiries 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 predecessor

Committee's Reports, and since there may be some delay before the Committee is reconstituted, an incoming Government should consider publishing such responses itself by means of a Command Paper.

## **SECTION E**

### **Political Activities of Civil Servants**

1. Permanent Secretaries will wish 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 prospective Parliamentary 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 with the permission of the Department and subject to certain conditions e.g. 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.
  
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.

## **SECTION 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 should retain 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 (including electronic copies) and they should be retained in the Department in line with the Cabinet Document Officer's Handbook. Ministers who leave office or move to another Ministerial position should also not remove or destroy papers which are the continuing responsibility of Departments: that is, those papers which are not personal, Party or constituency papers.
2. If the Government loses the Election all Cabinet and Ministerial Cabinet Committee documents issued to Ministers should be destroyed. 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. In this circumstance, Ministers should also not have the opportunity to access any papers of the previous administration either in hard-copy or via electronic means. The conventions regarding the access by Ministers and Special Advisers to papers of a previous administration are explained in more detail in the Directory of Civil Service Guidance.

3. More detailed guidance on managing records in event of a change of administration will be held by your Departmental Records Officer. The Head of Knowledge and Information Management in the Cabinet Office ([roger.smethurst@cabinet-office.x.gsi.gov.uk](mailto:roger.smethurst@cabinet-office.x.gsi.gov.uk) – 020 7276 6324) can also provide further advice and written guidance can be found here <http://www.nationalarchives.gov.uk/documents/popapersguidance2009.pdf>.

## **SECTION G**

### **Government Decisions**

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. In particular Cabinet Committees can continue to meet and consider correspondence if necessary, although in practice this may not be practical. If something requires urgent collective consideration, the Cabinet Secretariat should be consulted.
2. 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, 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.

### **Statutory Instruments**

3. The principles outlined above apply to making statutory instruments. Detailed guidance on the making of statutory instruments following the announcement of a general election is available on the website of the Office of Public Sector Information at <http://www.opsi.gov.uk/si/statutory-instrument-practice.htm> Further guidance can be obtained from the Legislation and Publishing Services Team on 01603 553221/020 3334 2774.

4. Similarly, the general principle that Ministers should observe discretion in initiating any new action of a continuing or long-term character applies to the making of Commencement Orders, which during the pre-election period should be exceptional.

## **SECTION H**

### **Public and Senior Civil Service Appointments**

1. All appointments requiring approval by the Prime Minister, other Civil Service and public appointments likely to prove sensitive, (including those where Ministers have delegated decisions to officials or other authorities, such as appointments to certain NHS boards), 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.
  
2. 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 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 (e.g. 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.
  
3. 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 post 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.

4. In the case of public and Senior Civil Service appointments, Departments should delay the launch of any open competition during an election period, to give any incoming Administration the option of deciding whether to follow the existing 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. 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 about longer term appointment. In any cases of doubt, and particularly where circumstances make it difficult to apply these temporary arrangements, Departments should consult the Propriety and Ethics Team in the Cabinet Office. (020 7276 0269/0387)

## **SECTION I**

### **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. The election period should be taken as from the day the General Election is announced although between that time and date and the dissolution of Parliament it is in order for the Government to clear essential business.
3. 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.
4. Departmental briefing 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 Section 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 access to the systems.

### **Part I - Press and media activities**

a. In response to questions Departments should, where possible, provide factual information by reference to published material, including that on websites. Requests for unpublished material should be handled in accordance with the requirements of the Freedom of Information Act. Routine factual press notices may continue to be issued - for example statistics 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, 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 normally 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 be handled by a Department. The proposals should be handled by the Party organisation. Where a Minister considers it necessary to hold a press conference to make clear the Government's policies on a particular subject of **immediate importance**, then clearly his or her Department

must provide facilities and give guidance. Ultimately, each case must be judged on its merits, including consideration of whether an announcement needs to be made. The Propriety and Ethics Team in the Cabinet Office and the Permanent Secretary Government Communications should be consulted before a Minister makes an official 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.

### **Press Articles, Interviews, Broadcasts and Webcasts by Ministers**

5. During the election period, arrangements for newspaper articles, interviews and broadcasts by Ministers, including webcasts and webchats, will normally be made on the political network. Care should be taken by communications staff in arranging and accompanying 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 publicity will be under very close scrutiny during this period. They should not arrange publicity through official channels unless they are satisfied there is a need to do so for reasons of essential business and that the Minister is speaking in a Government, not Party, capacity.

### **PART II – Paid Media**

a. **Exhibitions and conferences.** Official exhibitions on a contentious policy or proposal should not be kept open or

opened during the Election period. Official exhibitions which form part of a privately sponsored exhibition do not have to be withdrawn unless they are contentious in which case they should be withdrawn. This includes stands at conferences and other public events.

- b. **Window Displays**. Routine displays 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. Tools for sharing videos and photographs, such as Flickr and YouTube should not be updated with new content.
- d. **Printed material, including posters, leaflets and other factual publications** 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. Bulk supplies of printed materials should not be issued to individuals or organisations without prior authorisation.
  - 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 quantities of leaflets may be issued on request to members of the public and to Parliamentary candidates.
- e. **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 and Ofcom.
- g. **Paid media campaigns** will in general be postponed and

running campaigns closed; this includes online advertising, pay per click and banner advertising activity. However, some advertising for example recruitment, health and safety might be specifically approved to continue by the Permanent Secretary Government Communications, in consultation with the 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 on-going statistical surveys may continue.

### **PART III Digital Channels**

#### **Websites**

- a. **Official websites**, including Directgov, Businesslink and NHS Choices publish government content. They will be scrutinised closely by the news media and the political parties during the election period and content must be handled with great care. Preparatory work to incorporate existing content from other websites (**convergence**) may continue, but the release of new online services and publication of reworked content should not occur until after the General Election.
- b. **Material previously published** can stand. Content may be updated for factual accuracy but no substantial revisions should be made and distributed. While content can be referred to in handling media enquiries and signposting in response to enquiries from the public nothing should be done to draw further attention to it.
- c. **New websites** should not be launched without prior approval from the Permanent Secretary Government Communications, in consultation with Propriety and Ethics Team, Cabinet Office.
- d. **Site maintenance and planned functional and technical development** for existing sites can continue, but this should not

involve new campaigns or extending existing campaigns.

e. **News sections of websites** must comply with the advice on press releases found in Section I of this guidance. News tickers and other mechanisms should be discontinued for the election period.

### **Social networking sites**

6. Civil servants' participation in a professional capacity in social networks (e.g. (Facebook, Bebo, LinkedIn etc.) as well as in forums, online communities and other public online discussions should be limited during the Election period to:

- commenting on operational matters relating to services such as notifying users of technical problems with a website or digital service.

7. responding to factual queries by signposting existing content. Any exceptions to this guidance should be referred to the Permanent Secretary, Government Communications who will consider individual cases in consultation with the Propriety and Ethics team in the Cabinet Office.

### **Blogs and video blogs**

8. There should be no new public facing or ministerial blogs during the election period. Civil Servants may continue to respond to comments on existing blog posts to provide routine and factual responses to queries and to moderate for inappropriate comments.

9. Ministerial blogs, video blogs and social network profiles should

not be updated for the duration of the election period.

### **Twitter**

10. Use of Twitter may continue for publishing factual information only in line with guidance on news media (see Part I 'Press and media relations' of this section).

### **Further Guidance**

11. In any case of doubt about the application of this guidance in a particular case or for guidance on communications issues not covered here, communications staff should consult the Permanent Secretary Government Communication (PSGC) or their departmental Permanent Secretary. The PSGC will liaise as necessary with the Propriety and Ethics team in the Cabinet Office.  
Email: [gcnpropriety@cabinet-office.x.gsi.gov.uk](mailto:gcnpropriety@cabinet-office.x.gsi.gov.uk) or 0207 276 2716/2710

## SECTION J

### **Guidance on Consultations and e-petitions during an election period**

1. In general, consultations **should not** be launched during the Election period. If there are exceptional circumstances where launching a consultation is considered **essential** (for example, for safeguarding public health), permission should be sought from the Propriety and Ethics Team in the Cabinet Office (electionqueries@cabinet-office.x.gsi.gov.uk or 020 7276 1898/2471).
2. 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.
3. 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:
  - 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.
4. In many cases, for instance consultations aimed solely at professional groups, and which carry no publicity 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. In all cases though external public activity should cease during the election period.

5. 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.

#### **No 10 e-petitions**

6. During the election period, no new e-petitions will be able to be created nor will current e-petitions be available for further signature. Departments should not respond to e-petitions during the election period.

## **SECTION K**

### **Statistical and Social Research Activities during a General Election**

#### **Introduction**

1. This note gives guidance on the conduct of statistical and social research activities across government during a General Election campaign.<sup>1</sup> 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. For outputs which are the responsibility of the Government Social Research service, the Chief Government Social Scientist should be consulted in the first instance. To ensure consistency of approach, the Chief Government Social Scientist and the National Statistician will consult each other on issues of principle.

#### **Key Principles**

2. During a General Election period the Government retains its responsibility to govern and Ministers (although, no longer, sitting MPs) remain in charge of their Departments, and so essential business must be carried on. Accordingly, statistical activities should continue to be conducted in accordance with the Code of Practice for Official Statistics and the UK Government's Pre-release Access to Official Statistics Order 2008 which should be read as an integral part of that Code. Social research activities should be conducted in accordance with the GSR Code, taking great care, in each case, to avoid competition with Parliamentary candidates for the attention of the public. More generally, civil servants must take

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<sup>1</sup> This includes Departments and their Agencies and other relevant public bodies including all public bodies deemed to be producers of official statistics by dint of an Order in Parliament.

care to ensure that they do not engage in or appear to engage in Party politics, or undertake any activities which could call into question their political impartiality or which could give rise to criticism that public resources are being used for Party political purposes. This leads to some key guidelines.

## **Guidelines**

### Statistical and social research publications, releases, etc

3. The greatest care must continue to be taken to ensure that information is presented impartially and objectively.
4. Regular statistical releases and research reports (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 or research reports should be released only where a precise release date has been published prior to the Election period. Where a pre-announcement has specified that the information would be released during a specified period (e.g. a week, or longer time period), but did not specify a precise day, releases should not be published within the Election period.
5. In cases of doubt, further advice on statistics should be sought from the National Statistician and on social research from the Chief Government Social Scientist, who will ensure consistency.

### Requests for information

6. Any requests from candidates for unpublished statistics or other research information should be handled in an even-handed manner, and in accordance with the Freedom of Information Act. Guidance on handling FOI requests can be found in Section A of this guidance.

## Commentary and Briefing

7. Special care must be taken in producing commentary for inclusion in announcements of statistical publications or research reports issued during the Election period. Commentary which would be accepted as impartial and objective analysis or interpretation at ordinary times, may attract criticism during an Election. Commentary 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 Head of Profession, seeking advice from the National Statistician or Chief Government Social Scientist, as appropriate.
  
8. Pre-Election arrangements for statistics, whereby pre-release access for briefing purposes is given to Ministers or Chief Executives (and their appropriate briefing officials) who have policy responsibility for a subject-area covered by a particular release, should continue - in accordance with the principles embodied in the UK Government's Pre-release Access to Official Statistics Order 2008. In general, during this period, civil servants involved in the production of official statistics will not 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.

9. Requests for advice on the interpretation or analysis of statistics or social research findings should be handled with care, and in accordance with the guidance in paragraphs 6 and 7.
10. Requests for factual guidance on methodology should continue to be met.
11. 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 or research bulletins to customers on existing mailing lists may continue.

#### Censuses, Surveys and other forms of quantitative or qualitative social research enquiry

12. Regular, continuous and ongoing censuses and surveys of 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. Ad hoc surveys that may give rise to controversy or be related to an Election issue should be postponed or abandoned.

#### Consultations

13. Statistical consultations which are ongoing at the time an election is called should continue as normal, but any publicity for such consultations should cease. New public consultations, even if pre-announced, should not be launched but should be delayed until after the result of the Election is officially declared. See Section I of this guidance.

### Further Advice

14. If officials working on statistics or social research in any area across government are unsure about any matters relating to their work during the Election period, they should seek the advice of their Head of Profession for Statistics (or their equivalent lead official), Head of Profession for Social Research, the National Statistician, or the Government Social Research Unit, as appropriate (The National Statistician's Office can be contacted on 01633 455528 (Newport) and the Chief Government Social Scientist on 020 7270 5331).

## **SECTION L**

### **Use of Government Property**

1. Neither Ministers, nor any other Parliamentary candidates, should involve Government establishments or offices (such as Jobcentres) 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 available 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 to treat the candidates of all Parties in an even handed way, and that there should be no disruption to services.
4. Private companies with 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 highlight with such bodies that the period of the campaign will be very sensitive and this should be taken into account when making press announcements or devising programmes.

## **SECTION M**

### **European Union and International Business**

#### **General**

1. This guidance specifically addresses European Union business, but the same principles will also apply to the conduct of international business.
2. The Government retains its responsibility to govern during a General Election campaign period, 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. EU and international business will continue as normal during the period of the General Election. For example, Ministers will be entitled to attend meetings of the Council of Ministers of the European Union and to pursue government policy, e.g. in engaging with European and other key international institutions and their member states. But they should observe discretion on new initiatives and before stating new positions or making new commitments.

4. 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 from UK MEPs or prospective UK parliamentary candidates on such matters. In both cases, this is subject to the provisions of the existing FCO guidance on contacts with MEPs from extremist or racist parties. Separate guidance on the scrutiny of European documents during and following an election campaign is available from the European and Global Issues Secretariat of the Cabinet Office.

### **Council meetings**

5. It is important that Ministers attend meetings of the Council in person wherever possible.

6. The devolved legislatures are not dissolved. Their business continues largely as normal. With the agreement of the lead UK Government Minister, Ministers from the devolved administrations may attend and speak for the UK at Council and other meetings (including Informals) at which discussion is expected of matters likely to have an impact on their devolved responsibilities, in accordance with the provisions of the Memorandum of understanding and supplementary agreements between the United Kingdom Government, Scottish Ministers, the Cabinet of the National Assembly for Wales and the Northern Ireland Executive Committee. In doing so, they should be supporting and advancing the single UK line which they will have played a part in developing. They too should avoid exploiting Council engagements for electoral purposes.

7. When Ministers are present at Council meetings, they are fully entitled to pursue existing UK Government policies. We should expect business to be conducted broadly as normal, although there may be cases where Ministers decide that, in view of the Election, we should try to get items or votes postponed on particularly sensitive issues.
8. In some cases the UK is likely to be represented by officials. Where an item is likely to be pressed to a decision (a legislative decision, or some other form of commitment, e.g. a resolution, conclusions), officials should engage in negotiation and vote in line with a negotiating brief cleared in advance with Ministers. Officials should also engage actively where there will be a general discussion or orientation debate, but should seek to avoid taking a high profile on issues of domestic political sensitivity. If decisions fall to be taken at a Council which risk being controversial between the UK political parties, Departments should consult their Permanent Secretary about the line to follow who may in turn wish to consult the Cabinet Office.

### **The Justice and Home Affairs Opt-In**

9. Decisions on the application of the UK's opt-in on measures in the field of Justice and Home Affairs (JHA) should be made in accordance with the same guidance as for other UK decisions in the Council of Ministers, as set out above.

### **Ministerial correspondence**

10. The reduced availability of Ministers during the period of the election campaign means that for purely practical reasons it will be

better to avoid Ministerial correspondence if possible. But there may be an unavoidable need for Ministerial correspondence in certain cases. This may arise, for example, through the need for officials to have sufficiently clear negotiating instructions in advance of a Council meeting, for a decision on the application of the JHA opt-in, in accordance with the time lines set out in the JHA Protocol, or as a result of the agreed UK position coming under pressure in the closing stages of negotiation. The need for collective agreement should not be overlooked and the Cabinet Secretariat consulted as necessary. Cabinet Office meetings at official level may be a sensible pre-cursor to Ministerial correspondence. Under the appropriate guidance, it is always open to Private Secretaries to sign off letters which have been approved by their Ministers.

### **European Parliament**

11. 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. This may also apply to non-legislative resolutions on which MEPs are voting. Officials, particularly those in UKRep, should respond to any factual enquiries (including oral) from MEPs on such matters. It may also be appropriate for officials to offer oral and/or written briefing to MEPs on specific issues on the Parliament's agenda where there are major UK interests at stake. This must obviously be done in a non-partisan manner, and be offered to individual or small groups of MEPs on the basis that they have a particular interest in the issue and not because they belong to a particular political party.

12. This guidance is subject to the existing FCO guidance on contacts with MEPs from extremist or racist parties.

### **Lobbying of the Commission and other Member States**

13. Similar considerations should be borne in mind in any bilateral lobbying at official level of the Commission or other member states. UKRep must always be informed of any intention to lobby the Commission at Ministerial or official level, and be given the opportunity to accompany lobbying calls.

### **Appointments to the EU Institutions**

14. The UK should not make nominations or put forward candidates for senior appointments in the European or international institutions until after the Election. It remains possible to make nominations or put forward candidates for other positions. Departments should consult their Permanent Secretary on appointments which risk being controversial between the UK political parties, who may in turn wish to consult the Cabinet Office.

### **Consultation on Commission proposals**

15. It is in order for Departments to proceed with consulting interested groups in the UK on proposals put forward by the Commission if it is essential to do so and provided that such consultations are of a routine nature, are carried out in a non-partisan manner, and are not likely to become issues in the domestic electoral debate.

## **Relations with the Press**

16. Departmental Communications staff may 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.
  
17. It will continue to be appropriate for UKRep to give non-attributable press briefing before Councils, provided this is done in a factual and low-key way. Ministers attending Councils will no doubt wish to brief the press afterwards in the normal manner. But where officials attend Councils in place of Ministers, they should be particularly circumspect in responding to the press on any decision or discussions in the Council which could be regarded as touching on matters of domestic political sensitivity. If Departments wish to issue press notices following Council meetings on the discussions or decisions that took place, they should be essentially factual. Any comment, especially on items of domestic sensitivity, should be made by Ministers. In doing so, consideration will need to be given as to whether such comment should be handled by the Department or the Party.
  
18. Detailed guidance on communications activities is contained in section I of this pack.

## **Parliamentary Scrutiny**

19. Separate guidance on the scrutiny of European documents during and following an election campaign is available from the

European and Global Issues Secretariat of the Cabinet Office. The key points are:

- i. Scrutiny continues as normal until the dissolution;
  - ii. No formal deposit of documents during the dissolution, but FCO continue to supply documents to the Clerks and the Vote Office. Departments will continue to be requested by Cabinet Office to prepare Explanatory Memorandums (EMs), but these are unsigned and do not include a 'policy implications' Section. Informal EMs are not submitted to Parliament but copies are sent to the Clerks;
  - iii. If it is necessary to give agreement to proposals in the Council after Parliament has been dissolved but before Scrutiny is complete, the Minister should write to the Chairmen of the Committees in the usual way explaining why (but until the Committees are reappointed and the names of the Chairmen known, the letters should be addressed "Dear Chairman"). If there is an outstanding debate recommendation, a written statement to the House is required at the earliest opportunities after the State Opening, and the debate should be held within one month of the recommendation being confirmed;
  - iv. After the first meeting of the new Parliament, completed signed EMs should be submitted as soon as possible.
20. Similar arrangements will apply to the scrutiny of decisions on the JHA opt in during this period. The informal EM should not set out the government's views on whether or not it would opt-in to the proposed measure. If it is necessary to opt-in to a measure after

Parliament is dissolved, the Minister should write to the Chairman of the Committees in the usual way explaining why. The Minister should similarly write to the Chairman of the Committees if it is necessary to opt-in to a measure in circumstances when it has not been possible for the Committees to submit the views within the eight week period set out in the statement by Baroness Ashton (the then Leader of the House of Lords).

21. In the event of a change of Government it will be necessary to obtain Ministerial agreement to the Scrutiny procedures to be followed. In any event, it may take some time before the Scrutiny Committees are re-established. Cabinet Office will keep Departments informed.

22. Further advice on the issues raised in this guidance can be obtained from the European and Global Issues Secretariat in the Cabinet Office (e-mail [EGISelectionqueries@Cabinet-office.x.gsi.gov.uk](mailto:EGISelectionqueries@Cabinet-office.x.gsi.gov.uk))

## **SECTION N**

### **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, will continue to carry out their devolved functions in those countries as usual, including interaction with UK Departments.
2. Under the Civil Service Code, which also applies to civil servants based in Scotland and Wales as they are all part of the Home Civil service, 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 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, civil servants are aware of the need to avoid any action which is, or could be construed as being, party-political or likely to have a direct bearing on the General Election. Staff in the devolved administrations may continue to refer requests for information about reserved issues from MPs, Parliamentary candidates and political parties to the relevant UK Department. Requests for information about devolved

issues will be handled in accordance with relevant FoI legislation, taking account of the need for prompt responses in the context of an election campaign.

4. Officials in the devolved administrations in Scotland and Wales are subject to the rules in Section 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. For more general details on how best to work with the Devolved Administrations see the Cabinet Office guidance at [www.cabinetoffice.gov.uk/devolution](http://www.cabinetoffice.gov.uk/devolution)) or with queries contact the Cabinet Office Devolution Secretariat on 020 7276 1582/0140 or the relevant Territorial Office.

## SECTION O

### Non-Departmental Public Bodies

1. NDPBs and other arm's length public sector bodies do spend public money and make public announcements, use Government property and a small number can employ civil servants. **Accordingly, the general principles and conventions set out in this guidance apply to NDPBs and similar public bodies.**
2. As always, it is important that NDPBs and other public sector bodies avoid becoming involved in party political controversy. Decisions on individual matters are for the bodies concerned in consultation with their sponsor Department who will wish to consider whether proposed activities could reflect adversely on the work or reputation of the NDPB or public body in question.