

ELECTION TO THE UNITED KINGDOM PARLIAMENT 2017

GUIDANCE ON CONDUCT FOR CIVIL SERVANTS IN THE NORTHERN IRELAND DEVOLVED ADMINISTRATION

Summary

1. This note provides guidance to civil servants in the Northern Ireland administration on their role and conduct in the period between 22 April and the General Election which will take place on 8 June. This guidance also applies to staff in agencies and to civil servants who are on secondment to other bodies, and should inform the conduct of staff in publicly funded bodies. Information is also provided on the arrangements for seeking advice on particular cases where any uncertainty or difficulty may arise. Specific guidance on the conduct of statistical and survey activities is attached at Annex A.

Principles Governing the Conduct of Civil Servants

2. The two principles which should govern conduct during the pre-election period are that:
 - civil servants should not undertake any activity which could call into question their political impartiality; and
 - civil servants should ensure that public resources are not used for party political purposes.
3. These principles apply at all times to civil servants but the increased political activity in the period leading up to the election will mean that actions and decisions may be subject to increased scrutiny, and greater challenges may also arise in dealing with particular demands and requests. All civil servants should have regard to this guidance in identifying and responding to those issues which could potentially compromise these principles of impartiality and the proper use of public funds.

Non Departmental Public Bodies

4. This guidance should also inform the work of staff in publicly funded bodies during the election campaign. Bodies which have close associations with departments and which have taken civil servants on secondment should also be reminded of the need for those civil servants not to be placed in a situation where their political impartiality may be compromised. Decisions on individual issues are for the bodies concerned but, in cases of doubt, they should consult their sponsor departments which should assess whether any proposed activity would reflect adversely on the work of the body or reduce public confidence in it.

Conduct of Business

5. Departments will continue to deliver public services but particular care should be taken in relation to the handling of any matters which could have a direct bearing on the election campaign. In particular, routine business with a UK dimension not usually considered to be newsworthy is likely to be of greater interest during the election period.

Communications/Announcements

6. Departments should as far as possible avoid competition with candidates for the attention of the public. This includes all social media channels. Particular care should be taken over announcements which have, or may be perceived to have, a bearing on matters relevant to the election campaign. It may therefore be necessary to defer an announcement until after the election. Where a proposed announcement would involve consultation with UK Government Departments, the general presumption is that it should be deferred until the new UK Government is in place.
7. Paid publicity campaigns should not be open to criticism. Where it is decided that publicity should be given and/or advertising material released during the campaign, the Department should contact the Head of the Executive Information Service to ensure that any such activity is:

- (i) objective and explanatory, not promoting a particular viewpoint or liable or designed to provoke argument or controversy;
- (ii) not, or not liable to be, interpreted as being, party political.

Consultation

8. If a consultation is underway at the start of the pre-election period it should continue until its conclusion. New public consultations on significant policy proposals should generally not be launched during the general election period, although consultations on less sensitive matters (such as specialist or technical proposals) may be able to proceed as normal. Where there is a compelling or critical business need to initiate consultation on an issue, consideration should be given to any likely impact on the election campaign and to an appropriate level of accompanying publicity.

Requests for Information

9. MPs cease to hold office when Parliament is dissolved on 3 May and any outstanding correspondence should be cleared and issued before this date. Where this is not possible, letters can be sent to former MPs at the House of Commons after dissolution, for collection or forwarding.
10. There should be even-handedness in meeting requests for factual information from different political parties. Special care must be taken as information produced with complete impartiality and accepted as objective at other times may be subject to greater scrutiny and publicity during the election period. Departments should aim to respond to such requests as quickly as possible. Where it is clear that a quick response will not be possible, the candidate or party should be so advised.

Freedom of Information

11. Departments and their agencies should continue to process all requests for information submitted under the Freedom of Information Act (FOIA) from members of the public, including any election candidate, in accordance with the requirements of the Act.

Invitations

12. Officials should not accept invitations to participate in events organized by parliamentary candidates. Officials receiving invitations to outside events which may involve candidates should ensure that their attendance is essential for the conduct of official business and, if attending, avoid participation in any associated publicity activity.

Use of Government Buildings

13. Buildings belonging to the administration, including those accommodating Executive Agencies, should not be used for the election campaign. Requests from candidates to visit them for electioneering purposes should therefore be declined.
14. Decisions on the use of other public sector and related property must be taken by those legally responsible for the premises concerned. If the organisations or bodies concerned consult departmental officials, they should be told that the decision is one for the management of the body but that they will be expected to treat all the candidates of all the parties in an even-handed way in relation to access.

Use of School Premises

15. The Department of Education issued separate guidance to grant-aided schools

in 2009 on the use of school premises during election periods. The law prohibits the use of a grant-aided school for political meetings, the transaction of any political business, or for any purpose connected directly or indirectly with Parliamentary, Assembly or Local Government elections, except as polling stations on the requisition of the officer responsible in accordance with the statutes governing such elections.

Civil Servants' Participation in the Campaign

16. The general rules on civil servants' participation in national political activities are set out in Annex 8 of the Standards of Conduct Chapter of the NICS Staff Handbook. These rules divide the Civil Service into three groups:-
 - (i) the "politically free" - industrial staff and non-industrial support grades;
 - (ii) the "politically restricted" – members of the Senior Civil Service, civil servants at Grade 6 and 7 level and equivalent;
 - (iii) the "intermediate" group - civil servants outside the "politically free" and "politically restricted" groups.

17. All civil servants (whichever group they belong to) are disqualified from election to Parliament, and must resign from the Civil Service before standing for election. This applies also to civil servants on secondment to outside organisations. Further information on this can be obtained from HR Connect.

18. The "politically free" group may engage as private individuals in the election campaign. "Politically restricted" civil servants are totally debarred from national political campaigning, and must therefore take no part in the campaign. Civil servants in the "intermediate group" may participate in campaigning provided:
 - (i) they are not directly involved in sensitive areas of work in which the political impartiality of the Civil Service could be placed at risk eg

developing policy on structural or procedural issues relating to the UK Government;

(ii) they do so in their capacity as private individuals, without reference to their roles or experience as civil servants; and

(iii) they have official permission to do so.

19. Procedures governing the requirement on individual civil servants to seek permission to engage in political activities are set out in sections 1.2 - 2.3 of Annex 8 of the Standards of Conduct policy in the NICS HR Handbook. If there is any doubt as to whether an individual civil servant may or may not participate in campaigning, HR Connect should be consulted immediately.

House of Commons Disqualification Act (HCDA) 1975

20. The Chairs and Members of the Boards of certain NDPBs and other public bodies are disqualified by the HCDA 1975 (as amended), from membership of the House of Commons and must resign from their posts before consenting to their nomination as a candidate at a General Election. Departments which sponsor NDPBs with such disqualifying offices should ensure that they are made aware of these provisions and legislative requirements, although it is a matter for any potential candidate to determine their own eligibility for nomination.

Further Advice

21. Each department should nominate an official as the first point of contact on any issue arising within that department on the application of this guidance. Where necessary, in cases of particular complexity or difficulty, he or she may contact Machinery of Government Branch, TEO to request further consideration and advice.

GUIDANCE TO CIVIL SERVANTS ON THE CONDUCT OF STATISTICAL, RESEARCH AND SURVEY ACTIVITIES DURING A GENERAL ELECTION CAMPAIGN

Introduction

1. This note gives guidance on the conduct of statistical, research and survey activities in Departments and their Agencies during a General Election campaign. It is being circulated by the NISRA Chief Executive who is responsible for promoting the integrity of official statistics in Northern Ireland and who should be consulted in any cases of doubt about the application of this guidance.

Key Principles

2. All statistical activities should continue to be conducted in accordance with the Code of Practice for Official Statistics, while taking great care to avoid competition with Parliamentary candidates for the attention of the public. At this time, Civil Servants must take care to ensure that in their official capacity that they do not engage or appear to engage in party politics. 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) can 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. If unsure, the advice of the NISRA Chief Executive should be sought.

5. The use of, and communication through, social networks (such as Twitter) for professional statistical purposes should be limited to:
 - Notification of the publication of pre-announced statistics; operational matters, such as notifying users of technical problems and their resolutions; and
 - Responding to factual queries by signposting to existing sources.

Special care must be taken over any face to face briefing for, and in producing commentary for inclusion in announcements of, statistical releases issued during the period. Commentary which would be accepted as impartial and objective analysis or interpretation at ordinary times may cause criticism during purdah. 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 NISRA Chief Executive as appropriate.

6. Departments should handle requests for factual information in accordance with general guidance issued by the Head of the Northern Ireland Civil Service. There should be even-handedness in meeting factual information requests from different political parties. If there is any doubt about requests for information, for example, if they require information which is other than factual, they should be referred to the relevant departmental coordinator.
7. Requests for advice on the implementation or analysis of statistics should be handled with care. Requests for guidance on methodology should continue to be met.
8. Regular mailings of statistical bulletins to customers on existing mailing lists may continue.
9. 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.

10. 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 Chief Executive of NISRA. 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.
11. If officials working on statistics in any area across government are unsure about any matters relating to statistics during the Election period, they should seek the advice of the NISRA Chief Executive.