

ELECTION TO THE EUROPEAN PARLIAMENT

2019

GUIDANCE ON CONDUCT FOR CIVIL SERVANTS

Summary

1. This note provides guidance to civil servants in the Northern Ireland administration on their role and conduct during the period leading up to the forthcoming elections to the European Parliament and particularly in the period between 1 May 2019 and polling on 23 May 2019. This guidance also applies to staff in agencies and to civil servants who are on secondment to other bodies, and should also inform the conduct of staff in publicly funded bodies.

Principles of Conduct for Civil Servants

2. The two overriding principles which should govern conduct during the 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 and during the election period itself will mean that actions will be subject to greater scrutiny, and greater challenges may consequently arise in responding to particular demands and requests made of them. It is expected that all civil servants will have regard to this guidance and draw upon it from this point on in responding to any particular circumstances

which arise and which could potentially compromise these principles of impartiality and the proper use of public funds.

Non Departmental Public Bodies

4. Staff in publicly-funded bodies should also adhere to the terms of this guidance during the campaign. Bodies which have close associations with Departments and which may take civil servants on secondment, should also be reminded of the need for those civil servants to avoid compromising their political impartiality. Decisions on individual matters are for the bodies concerned but, in case of doubt, they should consult their sponsor departments which will wish to consider whether any proposed activities would reflect adversely on the work of the body or reduce public confidence in it.

Conduct of Business

5. Departmental business will continue during the election campaign. However, particular care should be taken in relation to the announcement of sensitive decisions with a European dimension; the handling of matters which could have a direct bearing on the election campaign; and paid publicity campaigns. It should also be noted that routine business with a European dimension not usually considered to be newsworthy is potentially of greater interest during the election period.

Communications

6. Specific guidance on handling communications activity is set out in Annex A. Departments should as far as possible avoid competition with candidates for the attention of the public. Where it is decided that an announcement should be made, or publicity and advertising material should be released during the campaign, civil servants should ensure that any such activity is:

- (i) relevant to departmental activities;
- (ii) objective and explanatory, not promoting a particular viewpoint or liable or designed to provoke argument or controversy;
- (iii) not, or liable to be interpreted as being, party political;
- (iv) conducted in an economic and appropriate way, having regard to the need to be able to justify the costs as a use of public funds; and
- (v) in line with the communication guidance in Annex A.

Requests for Information

7. Official correspondence should be dealt with in the normal way, including obtaining relevant clearance. MEPs continue to hold office until after the election and every effort should therefore be made to answer all correspondence promptly during the pre-election period. There should be even-handedness in meeting specific requests for factual information from different political parties and their candidates. 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 should be so advised. 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.

Freedom of Information

8. 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 FOIA.

Invitations

9. Officials receiving invitations to outside events which may involve candidates should ensure that their attendance is necessary for the conduct of business and, if attending, should avoid participation in any associated publicity activity.

Use of Government Buildings

10. Buildings belonging to the administration, including those accommodating Executive Agencies, should not be used for the election campaigns. Requests from candidates to visit them for electioneering purposes should be declined.
11. 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 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

12. The Department of Education issued separate guidance to grant-aided schools on the use of their premises in 2009. 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 booths on the requisition of the officer responsible in accordance with the statutes governing such elections.

Statistical and Survey Activities

13. Specific guidance on the conduct of statistical and survey activities is attached at Annex B.

Civil Servants' Participation in the Election Campaign

14. The general rules on civil servants' participation in political activities are set out in Annex 8 of the Standards of Conduct chapter (6.01) 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; and
 - (iii) the "intermediate" group - civil servants outside the "politically free" and "politically restricted" groups.
15. All civil servants (whichever group they belong to) are disqualified from election to the European 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.
16. The "politically free" group may engage as private individuals in any election campaign. "Politically restricted" civil servants are totally debarred from national political campaigning, and must therefore take no part in the European Parliamentary campaign. Civil servants in the "intermediate group" may participate in campaigning for the European Parliament provided:

- (i) they are not directly involved in sensitive areas of work in which the political impartiality of the Civil Service could be at risk eg developing policy on structural or procedural issues relating to the Northern Ireland Executive;
 - (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.
17. The procedures for individual civil servants seeking permission to engage in political activities are set out in paragraphs 2-7 of Annex 8 of the Conduct chapter in the NICS Staff 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.

Disqualification

18. Under the House of Commons Disqualification Act 1975 (as amended), the Chairs and Members of the Boards of certain NDPBs and other public bodies are disqualified from membership of the House of Commons and are therefore also disqualified from the office of Member of the European Parliament, under Section 10 of the European Parliamentary Elections Act 2002. They must therefore resign from their offices before consenting to their nomination as a candidate. Departments which sponsor NDPBs with 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 Guidance

19. Where any issue arises within a department related to the application of this guidance, the advice of the official nominated within each department to deal with such queries should be sought in the first instance. He or she may, in cases of particular complexity or difficulty contact Bernie McCusker, Executive Secretariat, TEO.

THE EXECUTIVE OFFICE – APRIL 2019

COMMUNICATIONS ACTIVITY

1. This section provides guidance on how communications should be handled during the elections. Part I deals with 'free' media work by Information Officers and Part II with paid media. References to Information Officers and their units apply equally to all officials involved in similar work. The principles extend to the use of the Internet and other social media channels

PART I: Free Media and Departmental Activities

2. During the European and local government election campaigns, the work of Departments continues. Essential business must continue but Departments are expected to observe discretion as far as possible to avoid competition with candidates for the attention of the public. Guidance on this and other matters, such as briefing and the use of Government property, can be found in the rest of the election guidance note.
3. Information staff may therefore properly continue to discharge their normal function but they must be careful not to become involved in a partisan way in election issues.

News Media Relations

4. In response to questions Information Officers should, where possible, provide factual information by reference to published material, including that on websites.
5. There is no objection to issuing routine factual news releases covering subjects like employment statistics which are issued on a monthly or regular basis.

6. There is no objection to issuing Departmental press releases, but consideration should be given to announcements and on the impact it could be perceived to have on the election. Where it is possible, non-essential announcements should be delayed until after the election.
7. Information Officers should be careful not to be seen to be promoting candidates in the election.
8. Information Officers should not handle statements or comments referring to the policies, commitments or perceived intentions of political parties.

PART II: Marketing and New Media

9. To avoid, as far as possible, competition with candidates for the attention of the public, new advertising campaigns will in general be postponed and running campaigns closed. However, some advertising (for example recruitment, health issues, civil emergencies) might be permitted following consultation with the Head of Communications.
10. Printed material should not normally be given any fresh distribution during the election period, in order to avoid any competition with the flow of Election material. The effect on distribution of 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 candidates. Bulk supplies should not be issued to any individuals or organisations without appropriate approval.

11. Films, videos and photographs from departmental libraries or sources should not be made available for use by political Parties.
12. 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.
13. Window Displays. Normal display of factual information on official premises may continue.
14. Promotions. Non advertising promotions, including field marketing, will cease during the election period.

The Internet

15. Official websites, blogs, tweets and telephone messaging are a form of broadcasting. They will be scrutinised closely by the news media and political parties during the pre-election period and must be handled with care. The general principles on information activities during elections will apply to all departmental sites, including their agencies, NDPBs, associated campaign sites and NI Direct.
16. All material published on websites prior to the election period will be regarded as part of the historical record and will remain accessible to the public. No significant additions or improvements will be made to that information which could be perceived to impact on the election.
17. An exception to the general principles will be made in the case of information published on websites advising people on how to vote.

Further Advice

18. In any case of doubt about the application of this guidance to a particular case departments should seek advice from the Head of Communications on any aspect of communications and media activity during the election period.

GUIDANCE TO CIVIL SERVANTS ON THE CONDUCT OF STATISTICAL, RESEARCH AND SURVEY ACTIVITIES DURING AN EUROPEAN PARLIAMENT AND LOCAL GOVERNMENT ELECTION CAMPAIGN

Introduction

1. This note gives guidance on the conduct of statistical, research and survey activities in Departments and their Agencies during European Parliament and Local Government election campaigns. 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 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 (eg 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. 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.
6. 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 Election period. Commentary which would be accepted as impartial and objective analysis or interpretation at ordinary times may cause criticism during an Election. 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.
7. Departments should handle requests for factual information from candidates, organisations and members of the public 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 candidates 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.
8. Requests for advice on the implementation or analysis of statistics should be handled with care. The guidance in paragraphs 6 and 7 is relevant.
9. Requests for guidance on methodology should continue to be met.
10. Requests for small numbers of copies or 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 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.
13. 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.