

## **LOCAL GOVERNMENT ELECTIONS 2019**

### **GUIDANCE ON CONDUCT FOR THE NORTHERN IRELAND CIVIL SERVICE**

#### **Summary**

1. This note provides guidance to staff in the Northern Ireland Civil Service on their role and conduct in the period between 26 March 2019 and the Local Government Election which will take place on 2 May 2019. It should also be applied to any relevant issues which may arise before then. Information is also provided on 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.

## **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 appropriate to defer an announcement until after the election.
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 pre-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. Councillors 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.
- 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 by members of the public, including any election candidate, under the Freedom of Information Act (FOIA). ,

## **Invitations**

12. Officials should not accept invitations to participate in events organised by election 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 advised 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 (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;
  - (iii) the "intermediate" group - civil servants outside the "politically free" and "politically restricted" groups.
  
17. The "politically free" group may engage as private individuals in the election campaign. "Politically restricted" civil servants are debarred from local 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
  - (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.

18. 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.

### **Further Advice**

19. 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 Bernie McCusker, Machinery of Government Branch, TEO (88022) to request further consideration and advice.

### **The Executive Office**

**March 2019**

## **GUIDANCE TO CIVIL SERVANTS ON THE CONDUCT OF STATISTICAL, RESEARCH AND SURVEY ACTIVITIES DURING A 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 a Local Government 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 Statistics, while taking great care to avoid competition with 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 pre-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 period. Commentary which would be accepted as impartial and objective analysis or interpretation at ordinary times may cause criticism during the pre-election period. Ultimately each case must be considered on its own merits and the content of the announcement left to the discretion of the departmental statistician, seeking advice from the NISRA Chief Executive as appropriate.
  
7. 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.
  
8. 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.
  
9. Regular mailings of statistical bulletins to customers on existing mailing lists may continue.
  
10. 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.

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