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From the Secretary of the Cabinet and Head of the Home Civil Service
Sir Robin Butler GCB CVO

Ref. A097/650

Dear Chms

GENERAL ELECTION GUIDANCE

Sir Robin Butler has asked me to make available to the Private Secretaries to Permanent Secretaries, guidance on questions of procedure and conduct during the period of the General Election. The attached notes cover the main points Permanent Secretaries need to bear in mind. They summarise existing guidance and add guidance on one or two points not covered elsewhere:

- Note A Dealing with Enquiries, Briefing and Requests for Information
- Note B Special Advisers
- Note C Contacts with Opposition Parties
- Note D Contact with Select Committees
- Note E Political Activities of Civil Servants
- Note F Cabinet Documents
- Note G Announcements and Publications
- Note H Statistical Activities
- Note I Use of Government Property
- Note J Major Public and Senior Civil Service Appointments

--- This note should also be read in conjunction with the minute issued by the Prime Minister to the Deputy Prime Minister on 17 March 1997 (copy attached). (not 2H)
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All guidance should be considered to be effective from the date the General Election is announced, although between that date and the dissolution of Parliament it is clearly in order for the Government to clear business, and make announcements of decisions already taken, which would not be appropriate after the dissolution of Parliament.

/In essence

C Guest Esq
PS/Sir Terence Burns GCB
HM Treasury

In essence, the principles underlying the conduct of civil servants in a General Election are no more than an extension of those which apply at all times, as set out, in particular, in paragraph 55 of Questions of Procedures for Ministers (QPM) and reiterated in paragraph 3 of the Civil Service Code - ie that "civil servants should not be asked to engage in activities likely to call in question their political impartiality, or to give rise to the criticism that people paid from public funds are being used for party political purposes". Clearly the application of these principles needs to be particularly sensitive during the period of a General Election, including for example, where senior officials would normally have a public role representing Agencies and Regional Offices. If appropriate, officials should seek guidance from their Head of Department who may consult the Head of the Home Civil Service as necessary. Departments should also bear in mind that, since the last General Election, QPM has been published and the application of its principles (and those of the Civil Service Code) may be more the subject of public scrutiny. Furthermore, the Election Guidance itself (Notes A-J, but not this letter or the Prime Minister's minute) will be in the public domain.

During a General Election period 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, and is set out in the Prime Minister's guidance, for Ministers to observe discretion in initiating any action of a continuing or long-term character. For example, 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.

--- The Prime Minister's guidance also covers the general principles on announcements and publications by Departments during the Election campaign. The more detailed guidance set out in Notes G and H attached is being issued to Heads of Information and Heads of Profession for Statistics respectively. The decision whether or not to publish or ~~make~~ an announcement is a matter for Ministers, but as a general rule there is no objection to routine publications and announcements of non-controversial policy developments.

One significant development since 1992 has been the introduction of the Code of Practice on Access to Government Information. It will be important to ensure that all requests for factual information are dealt with in accordance with the Code.

Should the Election result in a change of Administration, further guidance may be issued but Permanent Secretaries might also wish to remind themselves of existing guidance dealing with Special Advisers, access by Ministers to documents of former Administrations and procedures for Ministers appointing Parliamentary Private Secretaries, as well as the general guidance in QPM. In addition, where Committees or Inquiries have been set up but have yet to report, Departments may need to consider whether a change of Administration would mean their premature winding up.

--- I am copying this letter, and the attachments, to the Private Secretaries of all Permanent Secretaries. I would be grateful if you would ensure that it is disseminated as widely as necessary within your Department, its Regional Offices and Agencies. While NDPB's and other public sector bodies are not covered by this guidance, they do spend public money and may use Government property or employ civil servants (see Note I). It may therefore be helpful to draw this guidance to their attention, while leaving any decisions to the bodies concerned.

Yours sincerely,
Jan Polley
Jan Polley
(Private Secretary)



CABINET OFFICE

1997 GENERAL ELECTION GUIDANCE

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GUIDANCE NOTE A

Dealing with Enquiries, Briefing and Requests for Information

This note gives guidance on:

- the handling by Departments and Agencies of requests for information and other enquiries during a General Election campaign;
- briefing of Ministers during the campaign period; and
- the handling of constituency letters received from Members of Parliament before the Dissolution, and of similar letters from Parliamentary candidates during the campaign.

It also sets out the functions of the Election Business Unit (EBU) in the Cabinet Office, and gives guidance on dealings with the Unit.

General

2. At a General Election, the Government of the day is expected to vindicate its policies to the electorate. By convention the Government Party is entitled to ensure with Departments that statements made on its behalf are factually correct and consistent with Government policy. As at all times, however, Government Departments 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, organisation or any member of the public with purely factual information in accordance with the Code of Practice on Access to Government Information. Local and regional offices should deal similarly with straightforward enquiries to them, referring doubtful cases to headquarters for decision.

Other Enquiries

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. Where a request requires a simple rehearsal of what Government policy is on a particular matter, it should be dealt with in the same way as requests for factual information, as described in paragraph 3 above. Where the enquiry concerns the day-to-day management of a Next Steps Agency and the Chief Executive would normally reply, he or she should do so in the usual way, taking special care to avoid any matters of political controversy, particularly where he or she normally has a visible public profile.

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

6. Otherwise a reply should be sent by the responsible Minister or his or her Private Secretary. Officials should draft such replies, whether for official or Ministerial signature, with the usual care to avoid party controversy, especially criticism of the policies of other parties. Ministers may decide to

adapt draft replies prepared in this way to make party political points or to refer to proposals newly announced in the Conservative Party Manifesto. In all such cases the letter should be signed by a Minister who should be invited (on advice) to make a judgement on whether the letter should issue from him or her in a Ministerial capacity on Departmental letter paper, or should be regarded as being written on behalf of the Conservative Party. The guiding principle is whether the use of Departmental letter paper and of Departmental secretarial and other resources would be a proper use of public funds for Ministerial as opposed to party political purposes, and could be defended as such.

Speed of Response

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

8. Inquiries may be made in writing, but will often come by telephone, fax or E-mail. It will not always be possible to respond immediately to a telephone caller's question, and there may be times when a reply will involve giving detailed information not appropriate for a telephone message. In such cases, it will be helpful to establish whether a caller can be reached by fax as a means of speedy response, in order to avoid the delay of a written reply going through the post.

Briefing of Ministers

9. Ministers continue to be in charge of Departments. It is reasonable for Departments to continue to provide support for any official functions the Minister performs, policy advice necessary to resolve issues which cannot be deferred until after the Election, and factual briefing. It is in order for

Departments to check statements for factual accuracy and consistency with established Government policy. Officials should not, however, be asked to provide new arguments for use in Election campaign debates.

10. If a Minister wishes to suggest a topic on which guidance should be given to Conservative candidates, the suggestion should be sent to Conservative Central Office.

Constituency Correspondence

11. 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 pre-Election atmosphere and are more likely to become the subject of political comment. Outstanding correspondence should be cleared quickly. Letters can be sent to former MPs at the House of Commons after Dissolution, to be picked up or forwarded. Departments and Agencies whose regional staff commonly deal direct with MPs' enquiries should ensure that their regional offices get early guidance on dealing with questions from Parliamentary candidates. While it is impossible to cover every contingency or lay down hard and fast rules, the following observations may be of help:

- a. Once Parliament is dissolved, a Member of Parliament's constitutional right to represent his or her constituents' grievances to Government disappears, and all candidates for an Election are strictly speaking on an equal footing; but this doctrine should be applied in a reasonable way. In general, replies should be sent by Ministers to constituency letters written by MPs before the Dissolution. In many cases it will be courteous for Ministers to reply to letters on constituency matters written after the Dissolution by former Members. This should be handled in a way which avoids any discrimination or

appearance of discrimination on constituency correspondence between letters from Conservatives and other candidates. It will normally be appropriate to send a Private Secretary reply to letters on constituency matters from all candidates who were not Members before the Dissolution.

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

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

Election Business Unit

12. The Prime Minister has established an Election Business Unit (EBU) in the Cabinet Office, under the supervision of Lord Cranborne, the Lord Privy Seal. Its functions are:

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

- in particular, to act as a channel of communication with Conservative Central Office where they wish to check with Departments statements to be made on the Conservative Party's behalf for factual accuracy and consistency with Government policy (paragraph 2 above).

13. The EBU will function most effectively if it is in touch with relevant developments in Departments. Departments should therefore:

- draw to the EBU's attention, for advice or information, any approach or exchange which raises issues which are likely to be of interest to other Departments;
- inform the EBU before their Minister makes an important Ministerial statement during the Election campaign.

The Unit secretariat (Bill Jeffrey, Andrew Campbell and Simon Fryer) can be contacted on 0171-270 0242/0135.

Election\Guidance A

GUIDANCE NOTE B

Special Advisers

1. Special Advisers who accompany their Ministers in the General Election campaign or help in a Party headquarters or research unit must first resign their appointments, although this does not preclude them from providing liaison between their Minister and the Department during the campaign. Otherwise their appointments continue until they cease automatically on the day after Polling Day. In those cases, Advisers may continue to give specialist or political advice to their Ministers as before, but they must be careful not to take any active part in the campaign going beyond the provision of advice. They should not, for example, take part in public meetings. Any doubtful cases should be referred to Sir Robin Butler's office.

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

3. If there is no change of Government following the Election, a Special Adviser may be reappointed. The Prime Minister's approval will be required, and a fresh letter of appointment should be issued.

Election\Guidance B

GUIDANCE NOTE C

Contacts with Opposition Parties

The Prime Minister authorised pre-election contacts with Opposition leaders from 1 January 1996. The confidential nature of these contacts, which are designed to allow Opposition spokesmen to inform themselves of factual questions of Departmental organisation and to inform civil servants of any organisational changes likely in the event of a change of Government, continues to apply.

Election/Guidance.C

GUIDANCE NOTE D

Contact with Select Committees

1. 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. 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).
3. 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's enquiries; and for the incoming administration to review the terms of existing draft responses.
4. As it is also for the newly appointed Committee to decide whether to publish Government memoranda responding to its predecessor's Reports, an incoming Government may wish to publish such responses itself by means of a Command Paper.

Election \ Guidance D

GUIDANCE NOTE E

POLITICAL ACTIVITIES OF CIVIL SERVANTS

1. Permanent Secretaries may want to remind staff of the general rules governing national political activities. Paragraphs 964-992 of the NICS Pay and Conditions of Service Code and paragraphs 379-385 of the Industrial Pay and Conditions of Service Code refer.
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 grades) plus staff recruited as Administration Trainees, or Management Trainees
 - 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 they must therefore resign from the Civil Service before standing for election.
4. Civil servants in the "politically free" group must submit their resignation before they give their consent to nomination; they are not required to resign on adoption as a prospective candidate.
5. Civil servants in the "politically restricted" or "intermediate group" must comply with the provisions of The Civil Service (Parliamentary and Assembly Candidature) Order (Northern Ireland) 1990. They must resign from the Civil Service on their formal

adoption as a Parliamentary candidate or prospective candidate, and must complete their last day of service before their adoption papers are completed. If the adoption process does not reasonably allow for the individual to give full notice, an ex-gratia payment equivalent to the period of notice may be given.

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

public announcement as a candidate or a prospective candidate for Parliament or the European Parliament or the Northern Ireland Assembly; holding, in party political organisations, offices which impinge wholly or mainly on party politics in the field of Parliament or the European Parliament or the Northern Ireland Assembly; 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; and canvassing on behalf of a candidate for Parliament or the European Parliament or the Northern Ireland Assembly or on behalf of a political party.

7. "Politically restricted" civil servants are totally debarred from national political activities.
8. "Intermediate group" civil servants may engage in national political activities by permission of the Department and subject to certain conditions eg see paragraph 5. Permanent Secretaries might want to reflect Departmental arrangements for this group in the reminder given to their staff as at paragraph 1.

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GUIDANCE NOTE F

Cabinet Documents

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

2. Ministers who leave office or move to another Ministerial position should also be requested not to remove or destroy other papers which are the continuing responsibility of departments ie those papers which are not personal, party or constituency papers.

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