

28 April 2003

ELECTIONS TO THE NORTHERN IRELAND ASSEMBLY GUIDANCE ON CONDUCT FOR NORTHERN IRELAND CIVIL SERVANTS

Introduction

1. Under section 31(2) of the Northern Ireland Act 1998, the date for the next election of the Northern Ireland Assembly is scheduled for 29 May 2003. The dissolution of the Assembly from today now signifies the start of the formal election period. During the Election period i.e. from the date of dissolution of the Assembly up to and including Polling Day, it is particularly important that all civil servants should take special care to ensure that they conduct themselves in accordance with the appropriate paragraphs of the Northern Ireland Civil Service Pay and Conditions Code (paras. 964-992).
2. The Assembly election is being held while Direct Rule continues. The Secretary of State and the Ministerial team will continue to be responsible for the direction and control of the Northern Ireland Departments and thus for all "transferred matters". Though they are UK Ministers and the routine business of the UK Government continues during the Assembly election campaign, including the handling of parliamentary questions/debates at Westminster, it is particularly important that civil servants should take special care during this period to ensure that, whatever their duties and responsibilities, these do not give rise to any misinterpretation which might otherwise have a direct bearing on the local campaign.
3. This guidance and accompanying notes have been prepared to cover the conduct of officials in the run up to the election and to help maintain the impartiality and integrity of the Northern Ireland Civil Service during this period. It sets out the general principles which civil servants should observe, and the arrangements which are being put in place to consider the application of those principles to particular cases in the event of any uncertainty or difficulties which may arise.
4. The two overriding principles are:

- Civil servants should not undertake any activity which could call into question their political impartiality; and that
 - they should ensure that public resources are not used for party political purposes.
5. Under Direct Rule the routine business of Northern Ireland Departments will continue during the election campaign, and civil service support to the Secretary of State and the Ministerial team will continue throughout. However, it will not be appropriate for such support to be provided in relation to the launch of new departmental policy initiatives, the announcement of decisions, attendance at local events, the launch of paid publicity campaigns or similar matters which could have a direct bearing upon the Assembly Election campaign.

General Principle

6. All civil servants should observe the general principle that there should be even-handedness in meeting requests for factual information from the different Northern Ireland political parties. If you are in any doubt about the propriety of providing factual information, advice is available from Machinery of Government Division, OFMDFM. Where information is requested by candidates, political parties or their representatives, a copy of the response should be sent to the relevant Permanent Secretary's office for information. Further information with regard to the handling of enquiries, requests for information and briefings is contained in Guidance Note A attached.
7. Particular care should be taken over official support and the use of public resources, including publicity, for announcements by Ministers and at official level which are potentially relevant to the Assembly election campaign. There should be a general presumption against undertaking any new publicity campaigns or announcements that might be considered controversial in relation to the Assembly election.

Official Information

8. In presenting Departmental policy during the election period, civil servants should continue to take care to adhere to the principles that their activities should:
- (a) be relevant to government responsibilities;
 - (b) be objective and explanatory;
 - (c) not be, or be liable to misrepresentation as being, party political;
9. The above principles should also be followed where Departmental information is made available via a website facility. It will therefore be important to monitor and review website data on a regular basis throughout the election period.

Further guidance

10. Should there be any doubt as to the effect of the principles set out in this guidance and accompanying notes, please consult Linda Devlin (88157) or Tom Watson (88159) in Machinery of Government Division, OFMDFM, Stormont Castle. An Election Business Committee, reporting to the Head of the Northern Ireland Civil Service, has also been established. This will be chaired by Rosalie Flanagan and include NIO & EIS officials. It will ensure that a consistent approach is adopted during the election period. It is envisaged that the Committee will:
- offer further advice on the interpretation of the above guidance or attached guidance notes; and
 - provide a co-ordinated information flow across Departments where individual cases raise service-wide issues.
11. It will be important that the attention of the Election Business Committee is drawn to any instance where Departments and/or individuals consider that the guidance set out above

requires further interpretation or is not being followed. Additionally, Departments are asked to inform the Committee of any approach or exchange which raises issues which are likely to be of interest to other Departments and give advance notice of any Ministerial statements which are deemed as unavoidable during the election period.

A: Dealing with Enquiries, Briefing and Requests for Information

B: Political activities of Civil Servants

C: Use of Administration Property

D: Non-Departmental Public Bodies

E: Public Appointments

F: Conduct of Survey and Statistical activity

G: Costing of parties' proposals

ACCOMPANYING GUIDANCE NOTES

INDEX

A: Dealing with Enquiries, Briefing and Requests for Information

B: Political activities of Civil Servants

C: Use of Administration Property

D: Non-Departmental Public Bodies

E: Public Appointments

F: Conduct of Survey and Statistical activity

G: Costing of parties' proposals

GUIDANCE NOTE A

Dealing with Enquiries, Briefing and Requests for Information.

1. This note gives guidance on:
 - a) the handling by Departments and their Agencies of requests for information and other enquiries during the election period; and
 - b) the handling of constituency letters received from Members of the Assembly before Dissolution, and similar letters from election candidates during the campaign.

General

Request for factual Information

2. Departments and Agencies may provide election candidates or their political party with purely factual information on request, in accordance with existing guidelines on access to departmental information. Replies of this nature do not require clearance from Ministers but should be copied for information as outlined in paragraph 6 above.

Other Enquiries

3. Other enquiries for information may range from those concerning existing Departmental/NI Administration policy, which should be, essentially, factual in nature, to requests for justification and comment on existing NI Administration policy. Where a request requires a rehearsal of what NI Administration policy is on a particular matter, it should be dealt with in the same way as described in paragraph 2 above. Where the enquiry concerns the day-to-day management of an Agency, the Chief Executive will 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 has a visible public profile.

4. Other senior officials may provide factual information publicly, including in television and radio interviews, but should in all instances avoid becoming involved or appearing to become involved, in a partisan way in any matter which may have a material bearing on the Assembly Election. This may be of particular sensitivity at events where officials may be asked to respond on current NI Administration policy while participating in a public forum. The general presumption is that such participation should be avoided during the election period if there is any doubt that misrepresentation or misinterpretation of comments is likely to occur.
5. Where the inquiry concerns policies newly announced in a 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 the appropriate Party Headquarters.
6. In the cases which remain a reply should be sent by the responsible Minister or his/her Private Secretary. Officials should draft such replies, whether for official or Ministerial signature, and follow the general guiding principles set out in the main document.

Speed of Response

7. The circumstances of an Assembly Election demand efficiency in the speed of response to enquiries. In particular, the aim should be to answer requests from Assembly candidates or from any of the political parties' headquarters within five working days.

EU Business

8. EU business will continue as normal during the Election campaign, with Ministers attending meetings of the Council of Ministers of the European Union and pursuing existing policy, e.g. in engaging with the Commission, the European Parliament and other member states. NI Departments should continue to provide factual written briefing to all UK / NI MEPs on Commission and other proposals as well as on legislative items before the European Parliament. Likewise officials should continue to respond to any factual enquiries (including oral) from MEPs on such matters.

Constituency Correspondence

9. During the Election period replies to constituency letters written by MLAs before Dissolution, or subsequent letters from Assembly candidates, should take into account the fact that, if they are made public, they could become the subject of political comment in the atmosphere of an Election campaign. Outstanding correspondence cases should be cleared as quickly as possible. Replies may be sent to former MLAs after Dissolution should be sent to the new contact address which they have provided. Where this is not available replies may be sent to Parliament Buildings for forwarding on by Assembly officials.
10. While it is difficult to cover every contingency the following observations may be of assistance:
 - (a) once the Assembly is dissolved all candidates for the Election are strictly speaking on an equal footing. In general, replies should be sent by Ministers to constituency letters written by MLAs before Dissolution, assuming that those issues fall to the appropriate NI Department. It will also be appropriate for Ministers or Private Secretaries, rather than officials, to reply to letters on constituency matters written by candidates after Dissolution. These should be dealt with in a manner that avoids any inconsistency between letters from candidates of different Parties.
 - (b) clearly the main consideration must be to ensure that the member of the public'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, as far as possible, that letters are straightforward, factual and give no room for misinterpretation.
 - (c) replies to constituency correspondence for issue after polling day should normally be sent to the candidate who wrote the original letter. Where that candidate was unsuccessful, a copy of the letter should normally be sent to the new MLAs, unless it is clear from the correspondence that this would be unwelcome to the constituent.

GUIDANCE NOTE B

Political Activities of Civil Servants

1. The general rules on civil servants' participation in political activities, set out in paragraphs 964-992 of the NICS Pay and Conditions of Service Code, apply. These rules divide the Civil Service into three groups:
 - the "politically free" – industrial and non-office grades;
 - the "politically restricted" – members of the Senior Civil Service, civil servants at the former Grade 6 and Grade 7 levels plus members of the management trainee programme; and
 - the "intermediate" group – civil servants outside the "politically free" and "politically restricted" groups.
2. All civil servants (whichever group they belong to) are disqualified from election to the Northern Ireland Assembly, and must therefore 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 departmental Personnel Divisions.
3. The "politically free" group may engage as private individuals in the Election campaign. "Politically restricted" civil servants are totally debarred from political campaigning, and must therefore take no part in the campaign. Other civil servants may participate in campaigning provided:
 - i. they are not directly involved in developing policy on structural or procedural issues relating to the 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.

Use of Property

4. Procedures relating to the requirement to seek permission for individual civil servants to engage in political activities are set out in paragraphs 964-992 of the NICS Pay and Conditions of Service Code. If there is any doubt as to whether an individual civil servant may or may not participate in campaigning, the relevant departmental Personnel Division should be immediately consulted.

2. 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 decisions on schools or hospitals, the Governors or the relevant Education and Library Board or NHS Trust will apply. If those concerned consult officials, they should be told that the decision is left to them but that they will be expected to treat all the candidates of all the parties in an even-handed way.

Property belonging to the Northern Ireland Assembly

3. During the election period the use of resources and facilities belonging to the Northern Ireland Assembly, including Parliament Buildings, are matters on which separate guidance has been promulgated by the Clerk of the Assembly.

GUIDANCE NOTE C

Use of Property at Public Bodies

1. NI Departmental buildings, including those accommodating executive Agencies, must not be used for the Assembly Election campaign. Requests from candidates standing for election to visit any building belonging to a Department/Agency for electioneering purposes should be declined.
2. Staff in these publicly-funded bodies should also conform with the terms of this guidance.
2. 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 decisions on schools or hospitals, the Governors or the relevant Education and Library Board or NHS Trust will apply. If those concerned consult officials, they should be told that the decision is left to them but that they will be expected to treat all the candidates of all the parties in an even-handed way.

Property belonging to the Northern Ireland Assembly

3. During the election period the use of resources and facilities belonging to the Northern Ireland Assembly, including Parliament Buildings, are matters on which separate guidance has been promulgated by the Clerk of the Assembly.

GUIDANCE NOTE D

Non Departmental Public Bodies

1. Bodies which have close associations with Departments and which may take civil servants on secondment should be reminded of the need for civil servants in their employ to avoid compromising their political impartiality.
2. Staff in these publicly-funded bodies should also conform with the terms of this guidance during the campaign, being ready to explain the Executive's position in the factual manner described in paragraph 6 of the main document without offering any view on the merits of opinions on that position which may be expressed by candidates or political parties during the Election campaign.

GUIDANCE NOTE E

Public Appointments

1. Where a significant Departmental public appointment is due to fall vacant within the election period, consideration should be given to deferring any fresh appointment until after the election.
2. For further advice on public appointments please contact Public Appointments Unit, Corporate Services Division, OFMDFM, Castle Buildings.

Key Principles

2. During the Assembly Election period (which runs from 28 April up to, and including, Polling Day) the Secretary of State and the Ministerial team will continue to be responsible for the direction and control of the Northern Ireland Departments and thus for all "transferred matters". The basic principle that applies (as always) is that civil servants should not undertake any activities that could call into question their political impartiality or which could give rise to criticism that public resources are being used for party political purposes.
3. Statistical activities should continue to be conducted in accordance with the principles of the National Statistics Code of Practice. The following notes provide more detailed advice on application of these principles.

Guidelines

4. The greatest care must continue to be taken to ensure that information is presented impartially and objectively.
5. Regular statistical releases (e.g. press releases, bulletin, publications or electronic releases) will continue to be issued and published on dates that have been pre-announced. Ad hoc statistical releases should be released only where a release date

GUIDANCE NOTE F

CONDUCT OF STATISTICAL AND SURVEY ACTIVITIES DURING THE ASSEMBLY ELECTION CAMPAIGN

1. This note gives guidance on the conduct of statistical, research and survey activities in Departments and their Agencies during the Assembly 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. During the Assembly Election period (which runs from 28 April up to, and including, Polling Day) the Secretary of State and the Ministerial team will continue to be responsible for the direction and control of the Northern Ireland Departments and thus for all "transferred matters". The basic principle that applies (as always) is that civil servants should not undertake any activities that could call into question their political impartiality or which could give rise to criticism that public resources are being used for party political purposes.
3. Statistical activities should continue to be conducted in accordance with the principles of the *National Statistics Code of Practice*. The following notes provide more detailed advice on application of these principles.

Guidelines

4. The greatest care must continue to be taken to ensure that information is presented impartially and objectively.
5. Regular statistical releases (e.g. press releases, bulletins, publications or electronic releases) will continue to be issued and published on dates that have been pre-announced. Ad hoc statistical releases should be released only where a release date

as previously been pre-announced or where release before or in the Election period has been clearly intended and publicly known prior to dissolution. Other ad hoc statistical releases that have not been pre-announced should not go ahead. If unsure, the advice of the NISRA Chief Executive should be sought.

6. Whilst there is a requirement for business to continue, 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 that 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 above. 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 these should, in the first instance, be referred to the NISRA Chief Executive who will consult as necessary.
8. Requests for advice on the implementation or analysis of statistics should be handled with care, and in accordance with the guidance set out in paragraphs 6 and 7 above.
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 NISRA Chief Executive. Each case will be judged on its merits including any costs that would be incurred through cancellation. Non-controversial censuses or surveys, or other forms of social research, not directly related to any Northern Ireland Assembly 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.

GUIDANCE NOTE G

Costing of parties' proposals

1. To ensure that impartiality and integrity are scrupulously observed throughout the election period, there should be no attempt by Departmental officials to provide either an estimate or the actual costs of proposals contained in party manifestos. Neither should any comparison be made of the costs of one party's proposals against similar proposals promoted by any other party contesting the Assembly election.
2. Any formal request for costings or cost comparisons should be handled at SCS level before being refused and the relevant Permanent Secretary's office informed of the details.