

## **May 2023 Elections: guidance on conduct for civil servants**

1. On Thursday 4 May 2023, elections will be taking place to a number of Local Authorities in England, including some directly elected Mayors. On Thursday 18 May, elections will take place to all local councils in Northern Ireland. Further information on the areas affected is attached at Annex A.
2. This note provides guidance to civil servants in UK Government departments, and the staff and members of non-departmental public bodies (NDPBs) and other arm's-length bodies (ALBs) on their role and conduct during the forthcoming election campaigns. It is for individual public bodies to apply this pre-election guidance within their own organisations, but in doing so they should not go beyond the principles set out in this guidance.
3. The period of sensitivity preceding the local elections is not fixed to any particular date, but the general convention is that special care should be taken in the three weeks preceding the elections -
  - a. from Thursday 13 April in respect of elections taking place in Local Authorities in England; and
  - b. from Thursday 27 April in respect of elections taking place in local councils in Northern Ireland.
4. This guidance does not apply to Local Authorities, who are subject to their own restrictions during the pre-election period. The period of sensitivity for Local Authorities holding elections is different from that recommended for the UK Government in this

guidance<sup>1</sup>. Separate conduct guidance will be issued by the Northern Ireland Civil Service to civil servants working in the Northern Ireland Civil Service and their agencies and public bodies.

5. These elections are different from a UK general election. The UK Government will remain in office whatever the outcome of the elections. UKG Ministers will continue to carry out their functions in the usual way. Civil servants will continue to support their Ministers in their work. Subject to the principles set out below, UK Government business can continue.
  
6. However, it needs to be borne in mind that the activities of the UK Government could have a bearing on the election campaigns. Particular care will need to be taken during this period to ensure that civil servants conduct themselves in accordance with the requirements of the *Civil Service Code*. Care also needs to be taken in relation to the announcement of UK Government decisions which could have a bearing on the elections. In particular, civil servants are under an obligation:
  - a. to ensure that public resources are not used for party political purposes; and
  - b. not to undertake any activity that could call into question their political impartiality. It is important to remember that this applies to online communication such as social media,

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<sup>1</sup> For local authorities in England with elections, the *Code of Recommended Practice on Local Authority Publicity* sets out that the period of heightened sensitivity for local authorities is the period between the posting of notice of an election locally and the election itself. <https://www.gov.uk/government/publications/recommended-code-of-practice-for-local-authority-publicity>

This is different to the period of sensitivity recommended for the UK Government as outlined in paragraph 3 of this guidance.

in the same way as other activity.

7. In all cases essential business, which includes routine business necessary to ensure the continued smooth functioning of government and public services, must be allowed to continue.

### **General principles**

8. The following general principles should be observed by all civil servants, including Special Advisers:
  - a. Particular care should be taken over official support, and the use of public resources, including publicity, for government announcements that could have a bearing on matters relevant to the elections. In some cases it may be better to defer an announcement until after the elections, but this would need to be balanced carefully against any implication that deferral could itself influence the political outcome. Each case should be considered on its merits.
  - b. Care should also be taken in relation to proposed visits.
  - c. Special care should be taken in respect of paid publicity campaigns and to ensure that publicity is not open to the criticism that it is being undertaken for party political purposes.
  - d. There should be even-handedness in meeting information requests from the different political parties and campaigning groups.
  - e. Officials should not be asked to provide new arguments for use in election campaign debates.

### **Handling of requests for information**

9. There should be even-handedness in meeting information requests from candidates from the different political parties. The aim should be to respond to requests from candidates and campaigners as soon as possible. This also applies to requests from mayoral candidates.
10. Where it is clear that a candidate's request is a Freedom of Information (Fol) request it must be handled in accordance with the Freedom of Information Act 2000. The Act requires public authorities to respond to requests promptly and in any event not later than 20 working days after the date of receipt. Where it is clear that it will not be possible to provide a quick response, the candidate should be given the opportunity to refine the request if they wish so that it can be responded to more quickly.
11. Any enquiries from the media should be handled by Departmental Press Officers.

### **Ministerial visits**

12. In this period, particular care should be taken in respect of proposed visits to areas holding elections. The basic test of whether a visit is for government purposes must be satisfied. Official support must not be given to visits and events with a party political or campaigning purpose. In cases of doubt, further guidance should be sought from your Permanent Secretary's office (who may then seek advice from the Cabinet Office - see paragraph 31 below).

### **Announcements**

13. Similarly, national announcements by the UK Government may also have a particular impact on local areas with elections, for example, the publication of policy statements which have a specific local dimension.
14. Ministers will wish to be aware of the potential sensitivities in this regard and might decide, on advice, to postpone making certain announcements until after the elections. Obviously, this needs to be balanced carefully against any implication that deferral itself could influence the political outcome. Each case should be considered on its merits. Again, in cases of doubt, further advice should be sought.

## **Public consultations**

15. Public consultations with a particular emphasis on local issues or impact on areas where elections are being held, should generally not be launched during the pre-election period. If there are exceptional circumstances where launching a consultation is considered essential (for example, for safeguarding public health), advice should be sought from your Permanent Secretary's office (who may then seek advice from the Cabinet Office - see paragraph 31 below).
16. If a consultation is ongoing during this period, it should continue as normal. However, departments should avoid taking action that will compete with candidates for the attention of the public. This effectively means not undertaking publicity or consultation events for those consultations that are still in progress, and which have a particular emphasis on local issues, or impact on areas where elections are being held. During this period, departments may continue to receive and analyse

responses. Departments should also consider extending consultation periods after the election to allow all parties sufficient time to respond.

17. This is particularly important where a consultation will require the participation of Local Authorities which are under their own pre-election publicity restrictions during this period<sup>2</sup>.

## **Communication activities**

18. Government communicators should apply the principles set out above when planning and delivering communications activities that will take place during this period. Additional care should therefore be taken around press and marketing activity concerning local issues.
19. It is also important to take care with official websites, including GOV.UK, and use of social media that will be scrutinised closely by the news media and the political parties during the election period. In cases of doubt, guidance should be sought from the Government Communications Service in the Cabinet Office.

## **Use of Government property**

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<sup>2</sup> The *Code of Recommended Practice on Local Authority Publicity* is issued under powers conferred on the Secretary of State under section 4(1) of the Local Government Act 1986 ('the 1986 Act'). Local authorities, defined in section 6(2) of the 1986 Act, are required by section 4(1) of the 1986 Act to have regard to the Publicity Code in coming to any decision on publicity. Publicity is defined in section 6(4) of the 1986 Act as 'any communication, in whatever form, addressed to the public at large or a section of the public'. Local authorities should pay particular regard to the legislation governing publicity during the period of heightened sensitivity before elections and referendums.

No corresponding publicity code has been issued for Northern Ireland under Section 115B of the Local Government Act (Northern Ireland) 1972. The behaviour of NI councils is informed by guidance from the Northern Ireland Local Government Association.

20. Government property should not be used by Ministers or candidates for electioneering purposes.
21. In the case of NHS property, decisions are for the relevant NHS body, but should visits be permitted to, for example, hospitals, it should be on the basis that there is no disruption to services and that the same facilities are available to all candidates. Care should also be taken to avoid any intrusion into the lives of individuals using the services. The decisions on the use of other Local Authority properties should be for those legally responsible for the premises. Where it is decided to agree to such visits, the key principle is that the same facilities should be available to all candidates, and that there is no disruption to services.

### **Statistical and social research activities**

22. During the election periods, statistical activities should continue to be conducted in accordance with the Code of Practice for Statistics and the Pre-release Access to Official Statistics Order 2008 (and / or the equivalent Orders made by the Devolved Administrations in relation to devolved statistics - including those produced for Northern Ireland by the Executive Office), which should be read as though it is part of that Code. Regular pre-announced statistical releases (for example, press notices or bulletin publications) will continue to be issued and published. The principles set out here are not about restricting commentary from independent sources, for example academics who may also hold public appointments or non-executive roles in government departments or public bodies. It is for individual public bodies to apply this pre-election guidance within their own organisations, but in doing so they should not go beyond the

principles set out in this document.

23. Social research activities should be in accordance with the Government Social Research (GSR) Code and supplementary guidance, including the GSR Publication Protocol. Requests for information should be handled in accordance with the principles set out in paragraphs 9-10 of this note and with the Code of Practice for Statistics. In cases of doubt, you should consult your departmental Head of Profession for Statistics (who should consult the National Statistician if clarity is required) or your departmental Head of Profession for Social Research. The National Statistician, and the Government Economic and Social Research Team can be contacted for further guidance.

### **Use of public funds**

24. During the pre-election period, departments should carefully consider the timing of decisions and announcements in relation to large and/or contentious commercial contracts or grants which could have a bearing on matters relevant to the elections. In some cases it may be better to defer an announcement until after the elections, but this would need to be balanced carefully against any implication that deferral could itself influence the political outcome. Each case should be considered on its merits.

### **Political activities**

25. Political activity connected with local elections falls within the definition of **local** political activity.



26. Detailed guidance on the restrictions on civil servants' involvement in a private capacity in local political activities is set out in section 4.4 of the [Civil Service Management Code](#), and in departmental staff handbooks.

## **Special Advisers**

27. The rules on Special Advisers' involvement in local (and national) political activities are set out in the [Code of Conduct for Special Advisers](#).
28. After consultation with their appointing Minister, Special Advisers who wish to take part in the local election campaigns may do so in their own time. Official resources must not be used in support of the elections.

## **Non-departmental public bodies (NDPBs) and other arm's-length bodies (ALBs)**

29. NDPBs and other ALBs spend public money, make public announcements, use government property and may employ civil servants. It is for individual public bodies to apply this pre-election guidance within their own organisations, but in doing so they should not go beyond the principles set out in this document. Sponsor departments must ensure that staff and board members of their NDPBs and other ALBs are aware of the guidance and are applying the principles appropriately. Sponsor departments should be consulted by the NDPB/ALB in cases of doubt.

## **Schools**

30. The Department for Education has published guidance for schools on [political impartiality](#) during political events, and guidance specifically relating to the [pre-election period](#).

### **Further advice**

31. In cases of doubt, in the first instance you should consult your Permanent Secretary's Office. They may then wish to take advice from the Cabinet Office's Propriety & Ethics team.

Cabinet Office March 2023

## **Annex A**

### **LIST OF LOCAL ELECTIONS IN ENGLAND AND NORTHERN IRELAND 2023**

On 4 May, in England, elections will take place to 32 Metropolitan District Councils, 46 Unitary Councils, and 152 District Councils. There will be 4 council mayoral elections.

On 18 May, elections will take place to the 11 local councils in Northern Ireland.

Elections will also take place to some town and parish councils. Local Authorities (unitary councils, and district councils in two-tier county areas) can identify which town and parish councils are being elected to.

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#### **Metropolitan District election by whole council (9):**

- Bolton
- Liverpool
- Oldham
- Stockport
- Tameside
- Trafford
- Wigan
- Wirral
- Wolverhampton

#### **Metropolitan District election by thirds (23):**

- Barnsley
- Bradford
- Bury
- Calderdale

- Coventry
- Dudley
- Gateshead
- Kirklees
- Knowsley
- Leeds
- Manchester
- Newcastle upon Tyne
- North Tyneside
- Rochdale
- Salford
- Sandwell
- Sefton
- Sheffield
- Solihull
- South Tyneside
- Sunderland
- Wakefield
- Walsall

**Unitary Councils electing by whole Council (32)**

- Bath and North East Somerset
- Bedford
- Blackpool
- Bournemouth, Christchurch and Poole
- Bracknell Forest
- Brighton and Hove
- Central Bedfordshire
- Cheshire East
- Cheshire West and Chester
- Darlington
- Derby

- East Riding of Yorkshire
- Herefordshire
- Leicester
- Luton
- Medway
- Middlesbrough
- North Lincolnshire
- North Somerset
- Nottingham
- Redcar and Cleveland
- Rutland
- Slough
- South Gloucestershire
- Southampton
- Stockton-on-Tees
- Stoke-on-Trent
- Telford and the Wrekin
- Torbay
- West Berkshire
- Windsor and Maidenhead
- York

**Unitary Councils electing by thirds (14):**

- Blackburn with Darwen
- Halton
- Hartlepool
- Kingston upon Hull
- Milton Keynes
- North East Lincolnshire
- Peterborough
- Plymouth
- Portsmouth

- Reading
- Southend-on-Sea
- Swindon
- Thurrock
- Wokingham

**District Councils election by whole council (105):**

- Amber Valley
- Arun
- Ashfield
- Ashford
- Babergh
- Bassetlaw
- Blaby
- Bolsover
- Boston
- Braintree
- Breckland
- Broadland
- Bromsgrove
- Broxtowe
- Canterbury
- Charnwood
- Chelmsford
- Chesterfield
- Chichester
- Cotswold
- Dacorum
- Dartford
- Derbyshire Dales
- Dover
- East Cambridgeshire

- East Devon
- East Hampshire
- East Hertfordshire
- East Lindsey
- East Staffordshire
- East Suffolk
- Eastbourne
- Epsom and Ewell
- Erewash
- Fenland
- Folkestone and Hythe
- Forest of Dean
- Fylde
- Gedling
- Gravesham
- Great Yarmouth
- Guildford
- Harborough
- Hertsmere
- High Peak
- Hinckley and Bosworth
- Horsham
- Kings Lynn and West Norfolk
- Lancaster
- Lewes
- Lichfield
- Maldon
- Malvern Hills
- Mansfield
- Melton
- Mid Devon
- Mid Suffolk

- Mid Sussex
- Mole Valley
- New Forest
- Newark and Sherwood
- North Devon
- North East Derbyshire
- North Kesteven
- North Norfolk
- North Warwickshire
- North West Leicestershire
- Oadby and Wigston
- Ribble Valley
- Rother
- Rushcliffe
- Sevenoaks
- South Derbyshire
- South Hams
- South Holland
- South Kesteven
- South Norfolk
- South Oxfordshire
- South Ribble
- South Staffordshire
- Spelthorne
- Stafford
- Staffordshire Moorlands
- Stratford-on-Avon
- Surrey Heath
- Swale
- Teignbridge
- Tendring
- Test Valley



- Tewkesbury
- Thanet
- Tonbridge and Malling
- Torridge
- Uttlesford
- Vale of White Horse
- Warwick
- Waverley
- Wealden
- West Devon
- West Lancashire
- West Lindsey
- West Suffolk
- Wychavon
- Wyre
- Wyre Forest

**District Councils election by thirds (47):**

- Basildon
- Basingstoke and Deane
- Brentwood
- Broxbourne
- Burnley
- Cambridge
- Cannock Chase
- Castle Point
- Cherwell
- Chorley
- Colchester
- Crawley
- Eastleigh
- Elmbridge

- Epping Forest
- Exeter
- Harlow
- Hart
- Havant
- Hyndburn
- Ipswich
- Lincoln
- Maidstone
- North Hertfordshire
- Norwich
- Pendle
- Preston
- Redditch
- Reigate and Banstead
- Rochford
- Rossendale
- Rugby
- Runnymede
- Rushmoor
- St Albans
- Stevenage
- Tamworth
- Tandridge
- Three Rivers
- Tunbridge Wells
- Watford
- Welwyn Hatfield
- West Oxfordshire
- Winchester
- Woking
- Worcester

- Worthing

### **Local Authority Mayoral Elections (4)**

- Bedford
- Leicester
- Mansfield
- Middlesbrough

### **Northern Ireland (11)**

- Antrim and Newtownabbey Borough Council
- Armagh City, Banbridge and Craigavon Borough Council
- Belfast City Council
- Causeway Coast and Glens Borough Council
- Derry City and Strabane District Council
- Fermanagh and Omagh District Council
- Lisburn and Castlereagh City Council
- Mid and East Antrim District Council
- Mid-Ulster District Council
- Newry, Mourne and Down District Council
- Ards and North Down District Council