

~~Miss A. C. ...~~

3/16

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Date: 16 July 1997

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1. MISS PHIPPARD

2. PS/MR KILFOYLE

Mr Williams

cc PS/CDL
PS/MWP
PS/Sir Robin Butler
PS/Mr Mountfield
Mr Mackenzie
Parliamentary Branch
Ms Charman *Press Office*
Mr Gordon *SO*
Ms Meek *DETR*
Mr Shortridge *WO*

} *by fax*

DEVOLUTION REFERENDUMS: GUIDANCE FOR CIVIL SERVANTS

Issue

1. **Announcing and putting into effect the guidance for civil servants on their role and conduct during the devolution campaigns.**

Recommendation

2. **Mr Kilfoyle should:**
 - approve the draft of the arranged PQ (at A), which should be answered on 21 July - a few days in advance of the Guidance taking effect (on Royal Assent to the Referendums Bill), and the day before the publication of the first of the Devolution White Papers;
 - write to the Council of Civil Service Unions on the same day the PQ is answered. A draft letter is at B.

Timing

3. **Immediate, to enable Parliamentary Branch to make the necessary arrangements for the PQ.**

Background

4. **The meeting of the Ad Hoc Group on Provision of Information to the Public during Referendum Campaigns approved the draft guidance for civil servants on their role and conduct during the campaigns on 10 July. The meeting gave OPS the lead on putting the issue of the Guidance on the Parliamentary record and for getting copies to the Vote Office and the Libraries of the House.**
5. **Mr Kilfoyle will no doubt also wish to write to the Council of Civil Service Unions. Like the PQ answer the draft letter to them explains that the guidance is generic, ie Departments may supplement it with their own Department specific points.**
6. **The Scottish and Welsh Offices are content with the approach suggested here, and will make their own arrangements for bringing their Departmental Trade Unions into the picture as they think appropriate.**

Next Steps

7. **If Mr Kilfoyle is content, I should be grateful if **Parliamentary Branch** would put in hand the arranging of the PQ and, in slightly slower time, the placing of copies of the guidance in the libraries of the House and the Vote Office. We shall invite Sir Robin Butler to write to Permanent Secretaries to let them know of the announcement of the guidance.**

[sent by e-mail]

ROBIN WEBB
Machinery of Government and Standards Group

ANNEXES

- A **Draft PQ and answer**
- B **Draft letter to CCSU**
- C **The Guidance**

ANNEX A

DRAFT PARLIAMENTARY QUESTION

To ask the Chancellor of the Duchy of Lancaster what role civil servants may play in the referendum campaigns on devolution.

DRAFT ANSWER

The Government has today issued guidance to civil servants on their role and conduct during the devolution referendum campaigns. The guidance provides a generic set of principles which individual departments can incorporate into guidance tailored to their particular needs and situations. It stresses that civil servants should conduct themselves in accordance with the Civil Service Code, and is based on the need to maintain the political impartiality of the Civil Service and to ensure that public resources are not used for party political purposes. Copies of the guidance have been placed in the libraries of both Houses of Parliament, and are also available from the Vote Office.

DRAFT LETTER TO

**Charles Cochrane Esq
Secretary
Council of Civil Service Unions
231 Vauxhall Bridge Road
LONDON
SW1V 1SU**

July 1997

DEVOLUTION REFERENDUMS: GUIDANCE FOR CIVIL SERVANTS

The purpose of this letter is to let you know that the Government has today announced to Parliament the issue of the enclosed guidance to civil servants, on their role and conduct during the Devolution Referendum campaigns in Wales and Scotland.

The guidance, which stresses that civil servants should conduct themselves in accordance with the Civil Service Code, is based on the need to maintain the political impartiality of the Civil Service and to ensure that public resources are not used for party political purposes. It is generic, so that Departments - principally, of course, the Scottish and Welsh Offices - can amplify it as necessary to meet points specific to them, or to refer, for instance, to Departmental Handbooks.

PETER KILFOYLE MP

DEVOLUTION REFERENDUMS: GUIDANCE FOR CIVIL SERVANTS

Introduction

- 1 This note gives guidance to civil servants on their role and conduct during the Referendum campaigns on Scottish and Welsh devolution. It is operative from the date of Royal Assent to the Referendums Bill.
2. Referendum campaigns are different from General Election campaigns. The Government will remain in office whatever the outcome and it is not only essential business but all the business of Government which will continue. During the campaigns, therefore, civil servants should continue to give the full range of support to Ministers. However, devolution is politically controversial and it is important therefore that civil servants take particular care during this period to ensure that they conduct themselves in accordance with the Civil Service Code. The two central principles are:
 - to maintain the political impartiality of the Civil Service;
 - to ensure that public resources are not used for party political purposes.
3. This note draws attention to the areas where sensitive issues might arise.

Civil Servants' Participation in Referendum Campaigning

4. As political activity connected with devolution or the referendum campaign falls within the definition of national political activities, the general rules on civil servants' participation in such activities 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 in Grades 6 and 7 plus members of the Fast Stream Development Programme;
 - the "intermediate group" - all other civil servants.
5. As the "politically free" group may engage without restriction in national political activities, they may take a full part in the referendum campaign.

6. As "politically restricted" civil servants are totally debarred from national political activities, they must take no part in the campaign.
7. Other civil servants may participate in the campaign provided:
 - they are not directly involved in work on policy for devolution or the referendums;
 - they do so in their capacity as private individuals, without reference to their roles or experience as civil servants, subject to Departmental permission. They should avoid acting in ways which would enable members of the public to associate their campaigning activities with the Civil Service and so put its impartiality at risk.
8. Staff who are uncertain whether and on what basis they may participate in given activities should consult their line managers who in their turn should consult the Principal Establishment Officer.

Dealing with Enquiries and Requests for Information

9. Officials should be ready to explain the Government's position of behalf of Ministers in response to enquiries. Requests from or on behalf of campaigners, should be regarded as especially urgent - the aim should be to respond within one day.
10. Essentially this means that all (written or telephone) queries should be dealt with promptly, using, where possible, factual information or material already in the public domain. In all cases it should be made clear that any views given on the merits of the proposals are those of Ministers, and replies should be confined to the Government's case, with no view offered on the merits of different positions being taken by others in the campaign.
11. Such explanations should always be clear and objective. Enquiries from the media must be handled by Departmental Press Officers.

Ministerial Engagements

12. Civil servants should continue to provide support for official Ministerial engagements where devolution will be discussed - briefing, providing speaking notes, answering queries and offering explanations in support of Ministers. In the normal way civil servants should take care not to act in

a way which risks calling in question their political impartiality in the minds of the public. For instance, in the case of events organised by:

- groups formed to campaign for a particular referendum outcome;
- party political groups, which are:
 - * the political parties;
 - * groups of which membership of a particular political party is a condition of membership;
 - * groups with very strong associations with political parties,

civil servants should not attend and should ensure that any supporting material is confined to an exposition of the Government's position.

Official Information

13. The Government believes that those with a vote in the referendums should have access to accurate information explaining the important proposals on which they are being asked to decide.
14. In providing such explanatory information on the Government's devolution policy, the long-standing conventions on the work of the Government Information Service will apply. In presenting Government policy and providing publicity and advertising material during the referendum campaigns, civil servants should continue to take their customary care to conform with these conventions which require that their activities should:
 - be relevant to Government responsibilities;
 - be objective and explanatory, not tendentious or polemical;
 - not be, or liable to misrepresentation as being, party political;
 - be conducted in an economic and appropriate way, having regard to the need to be able to justify the costs as expenditure of public funds.
15. In sum, civil servants should give Ministers their full and normal support in presenting and explaining Government policy on devolution; it is for

Ministers alone to campaign politically for the public endorsement of that policy in the referendums.

Non-Departmental Public Bodies

16. Staff in these publicly-funded bodies should also maintain a low profile during the referendum campaign, being ready to explain the Government's proposals for making such bodies more open and accountable without offering any view on the merits of different opinions expressed by others in the campaign.