Pre-election period
General and local election guidance 2015

When does the guidance apply?

For previous general elections, the pre-election period started with the announcement of the election date by the Prime Minister. This time, the date has already been set as 7 May 2015 by the Fixed Term Parliaments Act 2011. The Government has recently announced that the pre-election period will start on Monday 30 March, the same day as the dissolution of Parliament. This guidance will remain in force until the day after the election (Friday 8 May).

Policy

Decisions on the direction of policy should not be made during the pre-election period if the opposition parties would potentially take a contrary position to the decision (which in most cases is likely).

Politics

The NHS should avoid even the suggestion that it is getting involved in party politics. Care should be taken by senior managers in the NHS not to comment on the policies of either the Government or opposition parties. This is particularly important at any events where the media or public are present or on social media.

Local politicians

NHS organisations may have working relationships with councillors, local MPs and others that they will not have with new prospective parliamentary candidates (PPCs). Great care should therefore be taken that those existing contacts are not treated any more favourably than PPCs. In all cases anything that is being shared with MPs on a ‘need to know’ basis must also be considered relevant to those who are PPCs.

Activities of NHS staff

NHS employees should not, in an official capacity, engage or be asked to engage in activities likely to call into question the political impartiality of their organisation, or give rise to criticism that public resources are being used for party political purposes.

NHS employees are free, in their private capacity, to engage in public debate or comment during the election period. However, they should not use their official premises or equipment and should not make comments based on information that is not generally available to the public. It must be clearly stated that the views expressed are those of the individual and not the NHS organisation for which they work.

NHS employees engaged on national terms and conditions of service who stand as parliamentary candidates may be granted special leave (with or without pay) at the discretion of their employers. If they are elected, it would seem highly unlikely that they would be able to continue to render service appropriate to their posts, and therefore in those circumstances they would be expected to resign.

NHS employers may set their own conditions with regard to candidacy of employees engaged on local contracts, while respecting the requirements of employment legislation i.e. NHS Code of Conduct.
Private Sector

Although the private sector is not covered by any of this guidance, if it is providing NHS services it should be asked by NHS partners to observe the spirit of this guidance.

Visits to NHS premises

Official support must not be given to visits and events with a party political or campaigning purpose. NHS organisations have the discretion to allow politicians to visit hospitals / NHS premises during the election campaign. However, these visits should not be allowed if they would disrupt services, and if allowed for one party should also be allowed to other political parties (even minority parties). Politicians should not be escorted by senior NHS executives during such visits. No political material such as flags, posters etc, is allowed to be displayed during any such visits. Visits for political or campaigning purposes should be declined. Political meetings should never be allowed on NHS premises during the pre-election period.

Provision of factual information

Ministers will still be provided with factual briefing, but it is not intended that this should be used for party political purposes.

All political parties should be treated equally when they request factual information from the NHS. They should all receive information promptly (the guidance suggests within 24 hours if at all possible); the information should be factual and issued without commentary that could be considered as political in any way. Rebuttal is permitted but, again, care should be taken that it is not seen to be political.

The Freedom of Information Act overrides the above. If it is considered that a request for information can only be answered under the scope of FOI, the normal 20 working day limit would apply. However, the requester should be informed that FOI applies within 24 hours of making an information request.

Factual information should be made available to members of the public, all local councillors/candidates or organisations in accordance with the Freedom of Information Act 2000. NHS bodies should continue to publish information of wider public interest supplied in answer to Freedom of Information requests in the usual way. However, this information should not be accompanied by any explanatory detail or press notices. Requests from candidates of all parties should be dealt with in an even-handed and consistent way – they should have access to the same information if they ask. However, it is not necessary to circulate information requested by one candidate to all other candidates every time a query is answered. Where possible, this may be as simple as directing them to the CCG website where the information is already available.

Where possible this information should be provided at the organisation’s earliest possible opportunity but within the limits of the FOI Act. If this is possible within 24 hours that would be great as it could reduce further, more public statements around the NHS which could be inaccurate.

Correspondence

Constituency letters written by local councillors, MPs or candidates should be answered in the normal way but taking account of the increased likelihood of replies becoming the subject of political comment should they be made public. Clearly the main consideration must be to ensure that the patient’s interests are not prejudiced. But it is quite possible that a personal case may become politically controversial during the election campaign. It is important therefore that, so far as possible, letters are simple, straightforward, and give no room for misrepresentation.
Projects

The guidance says that the NHS should not “initiate action of a long-term character” during the pre-election period. Unless it is absolutely necessary, e.g. a public health emergency, projects and initiatives should not be launched until after the election. However, if there is a project underway, great care has to be taken to ensure that it is treated as business as usual and is not abandoned if there is a cost implication that may impact on the public purse.

Appointments

Unless absolutely necessary, high-level public sector appointments should not be made during the pre-election period. No formal announcements of appointments or re-appointments should be made during the pre-election period.

Public Meetings

Regular public meetings such as board meetings can continue but, where feasible, you might wish to defer discussion on politically contentious issues until after the election.

Public meetings that have been arranged as part of consultation exercises should be deferred, where possible, until after the election if they are likely to be politically controversial.

Speaking at Events

Public talks given by NHS employees on health matters can proceed but should avoid political debate, comment on past or current Government records or speculation on the possible future direction of health care policy.

Communications and use of media

There are several areas of the guidance that affect communications:

- Major publicity campaigns should not be launched;
- Press releases should be issued only if necessary and with great care that they cannot be considered political;
- Leaflets should not be distributed during the pre-election period;
- Websites should not be updated with any information that may be considered political.

Announcements of expenditure

Where possible, announcements regarding NHS expenditure should be delayed until after the election.

Media Enquiries

Media enquiries about the operation of health services should be answered, where possible, with factual information, by reference to published material. Specific requests for unpublished material should be handled according to the Freedom of Information Act 2000.

All Chief Executives should establish clear procedures locally to ensure a consistent approach is taken on questions of media interest (where necessary advice should be sought from NHS England). Those answering questions should limit their comments to factual information and to their own areas of responsibility. Care should be taken not to become involved in a partisan way on election issues. Questions on national healthcare policy should be referred to the Department of Health Press Office.
Consultations and engagement

Stakeholder events and engagement, particularly around policy matters, should be considered carefully during the pre-election period. Any events or activities should seek to avoid any issues which could give rise to controversy or political impartiality. Where appropriate, events/activities should be deferred until after the pre-election period.

Public consultations with a particular emphasis on local issues 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 NHS England. If a consultation is on-going during this period, it should continue as normal. However, departments should avoid taking action which 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. During this period, departments may continue to receive and analyse responses.

For advice and further information, Contact MLCSU media team on 0121 612 3888