

EU REFERENDUM: GUIDANCE FOR UK GOVERNMENT DEPARTMENTS ON ACTIVITIES DURING THE PERIOD 27 MAY TO 23 JUNE

1. The referendum on whether the UK should remain in the EU takes place on Thursday 23 June 2016. This guidance covers UK government activity in the last 28 days of the EU referendum campaign. It takes effect on 27 May 2016.
2. The guidance applies to all staff working in the UK Government, its agencies, non-departmental public bodies and those arm's length bodies whose expenses are wholly or mainly met from public funds. It also applies to UK Government Ministers and their special advisers operating in their official capacity. Parallel guidance will be issued by the devolved administrations to their staff.

Background

3. The referendum campaign on the UK's membership of the EU is different from a General Election, in that the UK Government will remain in office whatever the outcome. The normal business of government will therefore continue throughout the period of the campaign. However, unlike other 'purdah' periods, specific statutory restrictions apply to certain government activity during this period.

Statutory Provisions

4. The [European Union Referendum Act 2015](#) (EURA) and the [Political Parties, Elections and Referendums Act 2000](#) (PPERA) impose restrictions on the publication of material by Ministers and public bodies in the 28 days before the referendum¹.
5. PERA prevents Ministers and certain public bodies from publishing material (other than in response to specific requests for information) that:
 - provides general information about the referendum;
 - deals with any of the issues raised by the referendum question;
 - puts arguments for or against any outcome; or
 - is designed to encourage voting at the referendum.
6. It defines "*publish*" very widely as meaning "*make available to the public at large, or any section of the public, in whatever form and by whatever means*". It therefore encompasses both the spoken and written word, and all forms of communication, including social media.

¹ <http://www.legislation.gov.uk/ukpga/2000/41/section/125>

Key Principles

7. In general, it is important that there is, and is perceived to be, a clear separation between government activity and campaign activity. Official resources should not be used to support campaigning. Government departments must not publish any material or undertake communications activity that deals with any of the issues raised by the referendum question or that encourages voting in the referendum.
8. A permitted exception to this is where departments are responding to a specific request for information. Where a request for information is received, it should be answered factually, and, where possible, with reference to previously published official material. Where a Minister considers a political or campaign response to be appropriate, this should be done through non-government channels.
9. This guidance applies to government activity undertaken by Ministers, civil servants, including special advisers, public bodies and other arm's length bodies. It does not apply to Ministers operating in a political or personal capacity without official support or resources. Nor does the guidance apply to the activity of special advisers operating in a personal or political capacity, for which they are not being paid by the Government as special advisers – see paragraphs 14-16.
10. Given the statutory restrictions in place, it is particularly important that advice is sought in cases of doubt. Departments should consult with the Cabinet Office Propriety and Ethics team in such cases (proprietyandethicsteam@cabinetoffice.gov.uk).
11. All other governmental business not relating to the referendum question or dealing with the issues raised by it will continue as normal.

Ministerial engagements

12. Ministers attending external events are bound by the PPERA restrictions. If an event is expected to deal with any issues raised by the referendum question, put any arguments for or against any referendum outcome or do anything to encourage voting at the referendum, then it should be handled by Ministers without official resources; and civil service (and special adviser) support should not be provided beyond the provision of factual briefing and fact-checking of speech material and diary logistics (for example if there is a requirement for arranging close protection arrangements). The Civil Service should not be providing new material for use in the referendum campaign during this period. Similarly special advisers cannot support Ministers at such events unless they do so in a personal capacity, not paid by government, in accordance with paragraphs 14-16.

13. Where a ministerial visit is a mix of campaign/political and official engagements, it is essential that the department and the campaign/political organisation each meet a proper proportion of the actual cost that can be justified publicly. The Prime Minister, and any other Minister for whom the security authorities exceptionally consider it essential, may use their official cars for all journeys by road, including those for campaign purposes.

Special Advisers

14. Special advisers are temporary civil servants and are therefore bound by the statutory restrictions contained in PPERA in the same way as they apply to Ministers and other civil servants. They may not, whilst working in an official government capacity as special advisers, participate in campaigning.
15. Special advisers who wish to work full-time for a campaign team or to support Ministers in campaigning must first resign their position as a special adviser for the duration of the campaign. Special advisers who wish to work part-time for government and part-time for a campaign must have their government salary reduced commensurately. Special advisers who wish to undertake routine campaign activity in a personal capacity may do so in their own time and outside office hours. In line with the Code of Conduct, they may not use annual or unpaid leave for this purpose. Any special adviser wishing to work part-time or full-time for a campaign should inform the Prime Minister's Principal Private Secretary.
16. As at all other times, civil servants should not be asked to do anything that is inconsistent with their obligations under the *Civil Service Code* or the provisions of PPERA or the EURA.

Parliamentary Activity

17. Parliamentary business is protected by parliamentary privilege and can continue during the final 28 day period. During this period, Ministers must therefore continue to meet their obligations to Parliament, including answering Parliamentary Questions, debates, statements and the provision of evidence to Select Committees. And officials may continue to provide material for Ministers' use in Parliament, including on the referendum, using existing and published material wherever possible. Ministers who wish in a personal capacity to campaign against the Government's position on the referendum should continue to observe the principles set out in the Prime Minister's letter of 11 January 2016.

Government Communications Activity

18. No material that is caught by the PPERA restrictions should be published during this period. Departments must not publish any material that deals with any issues raised by the referendum question, puts arguments for or against any outcome, or is designed to encourage voting at the referendum. These restrictions apply to any statements published on behalf of government in any medium (speeches, press notices, articles, social media, tweets/re-tweets etc). Material already published on official websites may be left in place but should not be added to and online links to official websites that include material caught by the EURA restrictions should be removed.
19. In response to questions, communications officers should provide factual information by reference to published material, including that on websites. Specific requests for unpublished material should be handled in accordance with the Freedom of Information Act 2000 (see paras 25-27).

Marketing

20. Government-funded marketing activity and market research involving interviews with the public that is relevant to or could have a bearing on the referendum question must be stopped. This includes activity by any part of government (other than the Electoral Commission itself), including encouraging people to register to vote.

Websites and social media

21. Updates to government websites or social media feeds must not deal with any issues raised by the referendum question or put any arguments for or against any outcome, or be designed to encourage voting at the referendum. Civil servants may respond to specific online queries by providing links to published material. Material that has already been published before 27 May will be regarded as part of the public record and does not need to be removed from websites and social media sites, although links to these sites should be removed. Information prepared routinely for web publication must be scrutinised to ensure it is not caught by PPERA restrictions.
22. Civil servants should remind themselves of the Government communications guidance and social media guidance and in particular the principle that the requirements of the Civil Service Code apply to the use of social media in both an official and personal capacity. Special advisers will wish to remind themselves of the requirements of their Code of Conduct.

Correspondence

23. Ministers and civil servants should continue to respond to correspondence in the usual way. Where correspondence relates to the referendum, responses should be factual, and use existing published material.

Dealing with Requests for Information from Campaign Groups

24. Requests for information from external groups campaigning for a particular referendum outcome should be treated in the same way as other third party requests for information, taking account of the Freedom of Information Act 2000 (FOIA) and other relevant statutes and provisions. All requests for information should be handled as speedily as possible and treated in an even-handed way.

Freedom of Information

25. The Freedom of Information Act (FOIA) and the Environmental Information Regulations 2004 (EIRs) remain in force during the 28-day period. This includes the requirement to respond to requests promptly and in any event not later than 20 working days after the date of receipt. All written requests for information received are subject to these provisions.
26. Information provided in response to an FOI or EIR request and which would in normal circumstances subsequently also be published on gov.uk must be reviewed before web publication to ensure that it is not caught by the EURA restrictions. Where this is the case, web publication should be deferred until after the referendum.
27. Departments should continue to refer FOI requests relating to the referendum to the Clearing House in the Cabinet Office at foiclearinghouse@cabinetoffice.gov.uk.

Consultations

28. Where the subject matter of a planned consultation deals with any issues raised by the referendum question, it should not be launched during this period. No additional publicity or activity should take place during this period in relation to any on-going consultation that deals with any issues raised by the referendum question or is otherwise bound by the PPERA restrictions.

European Union and International Business

29. EU and EU-related business (including attendance at Council meetings) may progress as usual throughout this period. Care should be taken around any

public communications activity related to such business, and statements should be factual and not make reference to the referendum question.

Attendance at public or stakeholder events

30. Civil servants attending external events are also bound by the EURA restrictions. They should therefore decline invitations during the restricted period to events where they may be asked to comment on referendum-related issues.

Statistical activities

31. Pre-announced statistical releases should continue to be published as notified and in line with the Code of Practice for Official Statistics. The PPERA restrictions could apply, however, to any accompanying commentary, whether in the body of the release or any accompanying commentary from any Government source.
32. There should be no ad hoc statistical releases or social research publications related to the referendum question during this period. Where there are any issues of doubt or concern, Departments must seek the advice of the National Statistician via joseph.moore@statistics.gsi.gov.uk or joe.cuddeford@statistics.gsi.gov.uk and the Propriety and Ethics team.

Involvement of civil servants in campaigning activities in a personal capacity

33. The involvement of civil servants in campaigning activities connected with the referendum in a personal capacity falls within the definition of national political activity outlined in the [Civil Service Management Code](#). Detailed guidance on the restrictions on civil servants' involvement in political activities is set out in Section 4.4 of the [Civil Service Management Code](#) and department staff handbooks. Guidance for special advisers on their involvement in campaigning activities is set out in the Code of Conduct for Special Advisers and in paragraphs 14 – 16 of this guidance.

Non-Departmental Public Bodies and other Arm's Length Bodies (ALBs)

34. This guidance applies to the activities of all NDPBs and other ALBs whose expenses are wholly or partly met from public funds.
35. Sponsor teams within departments should ensure that staff and board members of public bodies are aware of the guidance and the statutory restrictions contained in PPERA. If in doubt, public bodies must seek advice from their sponsor team, who will refer to the Propriety and Ethics Team, as necessary.

36. Public bodies should avoid situations where any actions by their staff, or board members (acting in their capacity as board members), could reasonably be construed as controversial or partisan in terms of the EU referendum or which could be in conflict with the statutory restrictions.
37. Public bodies should refer to the advice on government communications activities set out above. The Chief Executive of a public body, as accountable officer, should ensure that staff and board members are aware of their statutory responsibilities and the relevant codes of conduct.

Use of Government Property

38. Government property should not be used for campaigning. Requests from campaigning groups to use government buildings for campaign purposes must be declined.
39. There are limited circumstances in which PPERA permits designated organisations (i.e. the two main campaigning groups) to hold public meetings in certain public buildings where it is effectively for free. This may include the use of meeting rooms but only in cases where the room in question would normally be let to external parties for public meetings.
40. Decisions on the use of other public sector and related property must be taken by those legally responsible for the premises concerned (for example, local authorities).

Departmental non-executive directors

41. Departmental non-executive directors who wish to take an active part in campaigning on a personal basis in their own time should first consult the Chair of their departmental board and the Permanent Secretary of the department. In undertaking any such activity, Departmental non-executive directors should make clear that any such activity is on a personal basis, and not related to their departmental responsibilities.

Advice on specific cases

42. In cases of doubt, departments may seek further advice from their Permanent Secretary's office, or the Propriety and Ethics team at proprietyandethicsteam@cabinetoffice.gov.uk.