

To:
SHA Chief Executives and Chairs
PCT Chief Executives and Chairs
NHS Trust Chief Executives and Chairs

Richmond House
79 Whitehall
London
SW1A 2NS
020 7210 5142

CC:
NHS Foundation Trust Chief Executives
and Chairs
SHA Directors of Comms
Monitor

david.nicholson@dh.gsi.gov.uk

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Dear Colleague,

General Election – guidance

We've had several requests for guidance for the NHS in the run-up to a General Election. Such guidance will, as usual, be issued once the Election has been called. However, before that point it is worth reminding staff of the general principle that the NHS should remain politically impartial at all times.

As at all other times, NHS staff should not be asked to engage in activities which are likely to call into question the political impartiality of their organisation or which could give rise to criticism that public resources are being used for party political purposes. In particular, you will want to ensure that there are no grounds for complaint against your authority or trust that it has behaved partially towards political candidates or parties.

NHS employees are of course free, in their private capacity, to engage in public debate or comment but should avoid drawing themselves or the organisation in which they work into party political controversy. 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 business should proceed as normal during any election period with no disruption to patient services. However, the NHS is likely – as always – to be a high profile issue and individual hospitals, members of staff, or indeed patients may well find themselves the subject of political comment. It is also possible that action taken and information or interviews given with complete impartiality during an election period, and which would be accepted as

objective in ordinary times, may attract criticism during this period when every statement and action will be under intense scrutiny. Therefore, special care is needed.

Further assistance

Once an Election has been announced, the Cabinet Office will be issuing guidance to all Government Departments and their Agencies about procedures and conduct during the Election period. Whilst the guidance will not formally cover the NHS and its bodies, they do spend public money and make public announcements. Many of the principles within the guidance will therefore be relevant and, if followed, should help your organisation avoid being caught up in issues of propriety or political controversy. The full Cabinet Office guidance will be available on the Department of Health website once it is published and will become effective as soon as an Election is announced.

In the meantime, for planning purposes, you may wish to refer to the last Cabinet Office guidance from the 2005 pre-election period – which can be downloaded from http://www.cabinetoffice.gov.uk/media/cabinetoffice/propriety_and_ethics/assets/electguide.pdf – and to the guidance note that was issued concurrently to the NHS in 2005 (attached here as an Annex), containing useful sections on, for instance, dealing with requests for visits and issues surrounding consultations.

For NHS Trusts requiring further assistance, propriety queries should be routed in the first instance to SHA Directors of Comms who can seek further advice from the Department of Health on their behalf if necessary. Foundation Trusts should use the attached guidance in the first instance. Any further enquiries, for example on consultations, should be directed to their relationship manager at Monitor.

A handwritten signature in black ink, appearing to read 'D Nicholson', written over a thin vertical red line.

Sir David Nicholson KCB CBE
NHS Chief Executive

General Election Period: Guidance for NHS (2005)

Key Players

Ministers

- During a General Election campaign, the Government retains its responsibility to govern, and Ministers remain in charge of their Departments.
- Essential business must be carried on. However, it is customary for Ministers to observe discretion in initiating any action of a continuing or long-term character.
- In addition, decisions on matters of policy on which a new Government might be expected to want the opportunity to take a different view from the present Government should be deferred until after the Election, provided that such postponement would not be detrimental to the national interest or wasteful of public money.

MPs & Parliamentary Candidates

- Until the dissolution of parliament, an MP's status remains and they can be accorded their normal access to the NHS.
- Once Parliament is dissolved, an MP's constitutional right to represent his or her constituents' grievances to Government disappears, and all candidates for an Election are strictly speaking on an equal footing. However, this doctrine should be applied in a reasonable way, for example, a way which avoids any discrimination, or appearance of discrimination, between candidates of different parties.

NHS Employees

- 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 employing authority. 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.

Board Members

- Under the Representation of the People Act 1983, candidates for election are required to give written consent to their nomination to the election returning officer. In this they must state that they are aware of the provisions of the House of Commons Disqualification Act 1975 and that, to the best of their knowledge and belief, they are not disqualified from membership of the House of Commons. Under this legislation, chairs and non-executive members of NHS Trust, NHS Foundation Trust, SHA and PCT boards are disqualified from membership of the House of Commons and would therefore have to resign from their post before consenting to their nomination as a candidate at the Election.

Conduct & Procedures

Impartiality

- The NHS and its constituent bodies have no party political affiliation. All NHS bodies should remain politically impartial during a General Election campaign and ensure that conduct and procedures during this period do not call this impartiality into question.

NHS premises

- Whilst judgements on the desirability of campaign visits to NHS premises during this period are matters for each individual NHS Body, if a decision to allow a visit to a NHS site is made, candidates of all Parties (including Ministers) should be treated in an even-handed way and visits should only be permitted if there will be no disruption to services and patient care.
- It is advised that election meetings should not be allowed on NHS premises and that visits by parliamentary candidates (including Ministers) do not involve the opening of wards or new facilities.
- Political posters should not be displayed in public areas on NHS premises. Other posters and advertising material purporting to be apolitical and published by other groups should be carefully scrutinised to ensure that they cannot be regarded as favouring or opposing a particular candidate or party.

Providing information

- Factual information should be made available to members of the public, all Parliamentary 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.
- Requests for comment on Manifesto commitments or how they might be applied locally should be immediately referred to the relevant Party Headquarters to answer.

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 also be deferred, where possible, until after the Election if they are likely to be politically controversial.

Speaking at Events

- Public talks given by Authority or Trust members or 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.

Correspondence

- Requests from Parliamentary candidates and all political party headquarters should be responded to as quickly as possible (The Department of Health will aim to answer such requests within 24 hours).
- Constituency letters written by MPs before the dissolution of parliament, and similar letters from 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.

- Letters from the public should be answered in the normal way.

Consultations

- It would be advisable not to start a consultation now the Election has been called unless it can be demonstrated that it would seriously impede NHS business to delay it a few weeks until the Election period is complete. If you think a consultation must proceed you should contact your SHA for advice, who in turn should inform the Department of Health's Election Unit.
- If a consultation is already underway you might wish to consider extending the length of the consultation to take account of the General Election period, particularly if the consultation is due to end before polling day.
- It is also recommended that any public meetings on politically contentious issues, or ones where a change in Government could significantly affect the outcome, that might have been arranged as part of consultations are rescheduled until after polling day.

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. 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.

Use of Media

- The normal business of NHS organisations requires many public contacts and much of this can proceed in the normal way. For example, existing health promotion campaigns do not need to be interrupted but it would be sensible to assess the effectiveness of large scale maildrops etc in the Election period as the messages are likely to be lost. New campaigns should be deferred until after the Election except where there is a pressing public health need for it to go ahead.
- High profile publicity (posters and advertising) should not be launched in the Election period but classified recruitment advertising can continue. Posters may be displayed on health premises as long as this could not be construed as going beyond existing national and local health policies.