

# **Election Guidance Notes for Public Officers in the Montserrat Public Service**

## **1.0 INTRODUCTION**

The Montserrat Constitution (Cap. 1.01) requires that a General Election be held within 5 years of the day of the first sitting of the Legislative Assembly, after a General Election.

General Elections will shortly be taking place to choose the membership to the Legislative Assembly.

General Elections have a number of implications for the work of Ministries/Departments and public officers. These arise from the special character of Government business during an Election campaign, and from the special need to maintain, and be seen to maintain, the impartiality of the Public Service.

The basic principle for Public Officers, particularly those in mid to senior levels of the public service, and politically sensitive positions, is not to undertake any activity which could call into question their political impartiality. It is important to remember that this applies to online communication, for example using social media in the same way as off line activity. Additionally, Public servants must ensure that public resources are not used for Party political purposes.

The Deputy Governor, is issuing the following Elections Guidelines which provide clarification on the scope of General Order 316, and some aspects of General Order 311, 313, and 314, as well clauses 3 (d), (e), and (f) of the Code of Conduct for Public Officers. These notes provide guidance to Public Officers on their role and conduct during this particularly sensitive period. Maintaining neutrality and the highest standard of performance and professionalism throughout the period leading up to the General Elections must remain a core value of the Montserrat Public Service.

If appropriate, public officers could seek clarifications from their Head of Department.

The Office of the Deputy Governor is grateful for the assistance and contributions of the relevant government departments and the Core Management Team in the preparation of this document.

## 2.0 GENERAL GUIDELINES

*NOTE: Nothing presented in these Guidance Notes should be interpreted as meaning that Public Officers may not hold their own political views, or that they must refrain from activities designed to explain a Political Party's platform/manifesto. Public Officers as citizens enjoy certain fundamental rights and freedoms, including the protection of freedom of assembly and association. It is expected that during the run-up to the General Elections that all citizens will use the opportunities provided to directly inform themselves of the issues of the day and the positions of various political parties and candidates on such issues. However, in doing so public officers must be mindful at all times of the need to safeguard the integrity and impartiality of the Public Service given their role within the Public Service.*

It is useful for public officers to take account of the fact that the dissolution of the Legislative Assembly, does not affect the day-to-day operation of Government business. The Premier and Ministers retain responsibility for the administration of their Ministries, departments and the Government until such time as the results of a General Election are published declaring the nine successful candidates. It is expected however, that during this period Ministers would not

undertake any new initiative which have a continuing or long term effect.

Public Officers must note that:

- a) Party political stickers are not to be posted in any Ministry or departmental office of the Government of Montserrat or on any vehicle or any other resource owned by the Government.
- b) Public Officers must govern themselves in accordance with the guidelines contained in this document and the appropriate sections of the General Orders.
- c) Breaches of conduct will be handled in accordance with the provisions of the General Orders and the Public Service Act, or any other law which shall come into force which may supersede these.

**2.1** The following general principles must be observed by all Public Officers including special advisers to the Government of Montserrat depending on their level of restrictions as outlined in these guidelines.

### **2.1.1 Politically Restricted.**

a) This part applies to Public Officers who hold the following posts or who are within the following salary points:

- R22 and above
- Members of the Royal Montserrat Police Service (All Ranks)
- Reporters –Broadcasting - ZJB

b) Public officers within this category must:

- I. maintain political impartiality at all times.
- II. exercise at all times the proper restraint in matters of political controversy and should not conduct themselves in such a way that could erode the political impartiality and threaten the confidence of the public in the Montserrat Public Service.
- III. not express opinions about any Party or Candidates or on matters of political controversy to the press or in letters to the editor nor in books and articles nor by any other printed or electronic means, including social media.
- IV. not allow the expression of their personal political views to constitute so strong and so comprehensive a commitment to one political party as to inhibit or appear to inhibit loyal and effective service to Ministers or Members of the Legislative Assembly who are part of another party.

- V. take particular care to express comment(s) with moderation, particularly about matters for which their own Ministers are responsible; to avoid comment(s) altogether about matters of controversy affecting the responsibility of their own Ministers, and to avoid personal attacks.
- VI. not attend in their official capacity conferences or functions convened by or under the sponsorship of a political party. (NB. This does not apply to police officers or other essential workers detailed to work at such events)
- VII. not engage in, or be seen to engage in Party politics, while carrying out their duties
- VIII. not hold office in any political party or make political speeches.
- IX. not act as “election officials” during an election.
- X. not act as Party Agents, sub-agents or canvassers.
- XI. must not wear Political Party/Parliamentary Candidate t-shirts, caps, buttons, pins or any other similar items to work.
- XII. must not take part in any political activity when on duty, or in uniform, or on official premises,

- XIII. must, as a matter of principle, maintain a low profile during General Elections so as to avoid the risk of appearing to be in conflict or in agreement with any Political Party.

### **2.1.2 Partially Politically Restricted**

This part applies to Public Officers who hold the following posts or who are within the following salary points:

- R46- R23

- a) Public Officers within the category must comply with the guidelines outlined at 2.1.1 (b) above.
- b) With the written approval of the Deputy Governor Public officers within the category may:
  - I. hold office in any political party or make political speeches.
  - II. act as “election officials” during an election.
  - III. act as Party Agents, sub-agents or canvassers.

### **2.1.3 Politically Free**

This part applies to Public Officers who hold the following post or who are within the following salary points:

- R51 -R47

- a) Subject to b) below, Public Officers within this category are not subject to any restrictions on involvement in political activity.
- b) Notwithstanding a), persons within this category must not:
  - i. wear Political Party/Election Candidate t-shirts, caps, buttons, pins or any other similar items to work.
  - ii. take part in any political activity when on duty, or in uniform, or on official premises.

### **2.2.1**

- (a) A Public Officer within the Politically Restricted and Partially Politically Restricted categories who is intending to run for political office must resign from his/her post before being publically adopted, named or declared as a prospective candidate for any political party or as an independent candidate.

- (b) A Public Officer within the Politically Free Category must resign from his/her post before being nominated on nomination day.
- (c) Candidates who are not elected are not entitled to reinstatement to their former Public Service positions. Candidates who wish to re-join the Public Service have to do so through the established procedures of application for any advertised posts.

**Note:** *Nothing presented in this Section or elsewhere in these Guidance Notes should be interpreted as meaning that Public Officers may not hold their own political views, or that they must refrain from activities designed to explain a Political Party's platform/manifesto. However, in doing so they must be mindful at all times of the need to safeguard the integrity and impartiality of the Public Service given the role within the public Service.*

### **3 GUIDELINES TO ASSIST WITH THE HANDLING OF INFORMATION**

Montserrat does not have an Act governing freedom of information. Information requests from political

parties and independent candidates should be handled by the Permanent Secretary/Head of Department.

Requests for information may range from enquiries about existing Government policy, which are essentially factual in nature, to requests for justification and comment on existing Government policy. Public Officers including professionals, employed by the Public Service may provide factual information publicly (including in television or radio interviews) or electronically (including social media) but should in all instances avoid becoming involved, or appearing to become involved, in a partisan way in election issues.

Enquiries from the media should be handled through the Director of Information with the support of the relevant Permanent Secretary/Head of Department.

The circumstances of a General Election demand the greatest speed in dealing with enquiries. In particular, the aim should be to answer inquiries from Parliamentary candidates or from any of the political parties' headquarters within twenty-four to forty-eight hours.

When addressing request for information from different political parties and groups, Officer must ensure that there is even handedness when providing information.

For the purpose of this document, General Elections period may be understood to take effect from the moment Public Political Meetings and Public Consultations kick off. This would heighten once the proclamation is published in the Gazette to announce the dissolution of the Legislature and until the announcement of the winning Party/Candidates.

**Note that:**

- a) Permanent Secretaries and Heads of Departments must ensure that all responses to candidates' information requests are factual, relevant to the business and consistent with Government policy. These officers should not allow their personal opinions and biases to influence information delivered on behalf of the Government.
- b) Public Officers must not engage in, or be seen to engage in Party politics, while carrying out their duties.
- c) With reference to a) above, in all cases where there is any doubt, the matter should be referred to the Deputy Governor who will determine whether or not the information should be disseminated.
- d) If a Public Officer is asked by a member of the media to comment on a policy or issue that might bring about comparisons between Parties or parliamentary candidates, the Officer should politely decline.

- e) Issues relating to any Minister should be referred to the Minister in question. If policy guidance is already available on an issue addressed to a Minister, the issue may be responded to at the level of the Public Service.

## **4 BRIEFING TO MINISTERS**

Ministers continue to be in charge of departments. It is reasonable for Departments to continue to provide support for any official functions the Minister performs, policy advice necessary to resolve issues which cannot be deferred until after the election, and factual briefing. It is in order for Departments to check statements for factual accuracy and consistency with established Government policy. Officials should not, however, be asked to devise new arguments for use in election campaign debates and departments should not undertake new costings of oppositions policies during a campaign.

## **5 CONSTITUENCY CORRESPONDENCE**

During the election period, replies to constituency letters received from Members of the Legislative



Assembly before the dissolution, or to similar letters from candidates should take into account the fact that if they become public knowledge they will do so in the charged atmosphere of an election and are more likely to become the subject of political comment. Outstanding correspondence should be cleared quickly. While it is impossible to cover every contingency or lay down hard and fast rules, the following observations may help:

- a) After dissolution, a Member of the Legislative Assembly'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; but this doctrine should be applied in a reasonable way. In general, replies should be sent by Ministers to constituency letters written by Members of the Assembly before dissolution. In many cases it will be courteous for Ministers to reply to letters on constituency matters written after the dissolution by former Members. This should be handled in a way which avoids discrimination, or the appearance of discrimination, on constituency correspondence between letters of /from government and other candidates.
- b) Clearly the main consideration must be to ensure that the citizen's interests are not prejudiced. But it is quite possible that a personal case may become politically controversial during the

election campaign. Departments should therefore make particular efforts to ensure, so far as possible, that letters are simple, straightforward and give no room for misrepresentation.

## **6 USE OF GOVERNMENT RESOURCES**

As is the policy for non-General Elections periods, Government resources are to be used with prudence and for official Government business only.

Government resources include but are not limited to: buildings, material, information technology equipment and systems (e.g. computers, email systems and servers), telecommunications systems, (e.g. telephones, cell phones, radios), photocopiers, vehicles and officers' work time and must not be used for Party Political purposes.

Decisions on the use of other public sector and related property must be taken by those legally responsible for the premises concerned. If those concerned consult Departments, they should be told that the decision is left to them but that they will be expected normally to treat the candidates of all Parties fairly and equitably.

The use of other Government resources, such as schools, comes under the authority of the Minister of Education but those with such responsibility are

reminded of the need to treat all candidates fairly and equitably.

## **7 GOVERNMENT DECISIONS AND APPOINTMENTS**

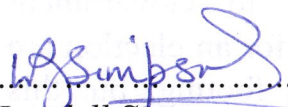
During an election campaign, the Government retains its responsibility to govern and Ministers remain in charge of their Ministries/Department. Essential business must be carried on. However, it is customary for Ministers to observe discretion in initiating any action of a continuing or long-term character.

Decisions on matters of policy, and other issues such as large and/or contentious procurement contracts, on which a new Government might be expected to want the opportunity to take a different view from the present Government should be postponed until after the election, provided that such postponement would not be detrimental to the national interest nor wasteful of public money.

Additionally, appointments to positions which would require consultation with any members of the Legislature should be deferred until after the General Election, provided that such postponement would not be detrimental to the national interest or result in the wasteful use of public money.

### **Further Advice**

In cases of doubt, in the first instance, you should consult your Permanent Secretary who may consult the Deputy Governor or the Attorney General.

  
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*Lyndell Simpson*  
*Deputy Governor*

Office of the Deputy Governor  
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## ***SOURCES and ACKNOWLEDGEMENTS***

The Montserrat Constitution (Cap. 1.01)  
The General Orders of Montserrat (as amended – Establishment  
Circular #2 of 2017)  
The Public Service Act (Cap. 1.06)  
Election Guidelines for the Anguilla Public Service 2014  
UK Civil Service Guidance – Cabinet Office 2014  
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UK Cabinet Office General Elections Guidance 2017  
UK Cabinet Office – Local Elections Guidance – April 2019  
UK Cabinet Office – Elections for the European Parliament-  
Guidance on Conduct – April 2019