



**Isle of Man
Government**

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Isle of Man Government

Guidance for Public Servants:

- (i) Participating in Political Activities**
- (ii) Standing for Election**

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GUIDANCE FOR PUBLIC SERVANTS:

(i) Participating in Political Activities

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1.0 INTRODUCTION

Public servants shall have, as do other workers, the civil and political rights which are essential for the normal exercise of freedom of association, subject only to the obligations arising from their status and the nature of their functions.

It is the intention that public servants should be allowed the greatest possible freedom to participate in public affairs and have the opportunity to:

- (i) participate in political activities; and/or
- (ii) stand for election;

subject to the following Guidance which is not intended to infringe unduly on this fundamental principle.

Public servants wishing to participate in political activities and/or stand for election should also refer to the following documents:

- individual terms and conditions of service/employment which may contain specific provisions regarding political activity, e.g. civil servants should refer to the Civil Service Regulations which are available by accessing www.gov.im/hr and then selecting the Information Centre;
- the Code of Conduct for Public Servants (which is available by accessing www.gov.im/hr and then selecting the Information Centre) and any codes of conduct applicable to an individual's appointment or employment;
- Conflicts of Interest – Staff Guidance Note approved by the Council of Ministers April 2007 (available by accessing the Intranet, then selecting Standards of Conduct within the Corporate Governance pages).

2.0 SCOPE

The purpose of this Guidance is to ensure the proper balance is struck between the civil and political rights of the individual and the need to maintain the required political neutrality within the public service. It is recognised that not every person working within the public service is in a position where their actions could call into question such neutrality.

All public servants should observe the guidelines set out in this document. This Guidance also applies to any public servant who assists or supports a candidate (e.g. spouse, partner (including civil partner), relative or colleague) by whatever means.

The Guidance was implemented on 1 June 2011 and revised in June 2014.

For the purpose of this Guidance:

- "*public servants*" and "*members of staff*" mean all those in the employment of any employing authorities as defined below, whether full-time, part-time or limited term workers, and includes civil servants appointed under the Civil Service Act 1990 (as amended) on the staff of employing authorities. Casual and agency workers are excluded from the scope of this Guidance.
- "*employing authorities*" means all "designated bodies" and "departments of Government" within the meaning of the Treasury Act 1985. The following are "designated bodies":

all Departments (Department of Environment, Food and Agriculture, Department of Education and Children, Department of Health and Social Care, Department of Home Affairs, Department of Economic Development, Department of Infrastructure and the Treasury);

all Statutory Boards (the Communications Commission, Office of Fair Trading, Financial Supervision Commission, Gambling Supervision Commission, Insurance and Pensions Authority, Isle of Man Post Office, the Manx Utilities Authority and the Public Sector Pensions Authority);

any other Body or Authority (other than a local authority) constituted by any enactment for any purposes involving the expenditure of public moneys or the receipt of public moneys for the purposes of that body or authority for the public revenue;

Note: the term "*departments of Government*", for this purpose, includes the Cabinet Office, Attorney General's Chambers, General Registry, Office of the Data Protection Supervisor, and the Industrial Relations Service. This Guidance applies to all members of staff working within these departments.

This Guidance is not intended to apply to the Data Protection Supervisor or to staff of Tynwald or its branches.

- "*Elections*" refers to elections to the House of Keys, the Legislative Council, Douglas Corporation and the Commissioners of any Local Government District.
- "*Participating in political activities*" includes:
 - i) holding in a party political or other organisation, an office impinging wholly or mainly on party politics;
 - ii) other than in the ordinary course of their duties, speaking in public on matters of political controversy;

- iii) other than in the ordinary course of their duties, expressing views on matters of political controversy in any form in any media eg press, radio, television broadcasts, books, articles, internet, social and media networks, pamphlets or leaflets;
- iv) canvassing on behalf of candidates for election or to any political party or organisation.

Employing authorities have a duty to make public servants aware of this Guidance and its principles and, in line with the requirements of the Isle of Man Government Corporate Governance Principles and Code of Conduct, to put in place arrangements to raise awareness of its contents.

In addition, public servants should familiarise themselves with the content of this document and should act in accordance with the Guidance set out.

Note: This Guidance can only be general in nature and does not take precedence over relevant provisions set out in an individual's terms and conditions of service/ employment or applicable codes of conduct.

3.0 PARTICIPATING IN POLITICAL ACTIVITIES

A public servant when engaging in political activities should:

- be mindful of their position and in particular of any provisions of their terms and conditions of service/ employment, applicable codes of conduct, standards relating to participation in political activities and general principles of confidentiality which will continue to apply;
- take particular care to express comment with moderation, particularly about matters for which their own employing authority is responsible;
- avoid comment altogether about matters of controversy affecting the responsibility of their own employing authority;
- avoid personal attacks against third parties;
- take every care to avoid any embarrassment to their employing authority or to their department which could result, inadvertently or not, in bringing themselves to the public notice as a public servant involved in political controversy;
- retain at all times a proper reticence in matters of political controversy so that their impartiality is beyond question.

Where permission is required for a public servant to take part in political activities and this permission is either refused or withdrawn, a full explanation of the reasons for the decision must be provided by the Accounting Officer.

4.0 STANDING FOR ELECTION

4.1 House of Keys and Local Authorities

Where a public servant wishes to stand for election to the House of Keys or a Local Authority the following Guidelines are relevant.

Public servants are not required to resign from their post when standing for election to the House of Keys (unless they wish to do so), but should comply with any terms and conditions of service/ employment before they issue their address to the electors or in any other manner announce publicly, or allow a public announcement to be made, that they are candidates.

Careful consideration should be given by public servants, when seeking to stand for election, if they:-

- a) are closely involved in advising Ministers or Boards or Members with delegated responsibilities; and/or
- b) speak on behalf of their employing authority and may appear to outside bodies or the public at large to have influence in the application of Government policy.

If a public servant is standing for election, the provisions of their terms and conditions of service/ employment, applicable codes of conduct, standards relating to participation in political activities and general principles of confidentiality will continue to apply. The Guidance provided in 3.0 above should also be taken into consideration.

4.2 Legislative Council

A serving public servant cannot be elected by the Keys to the Legislative Council. Any public service candidate must either resign (and have his notice expired) or retire before the Keys vote or else not be nominated¹. There is no automatic right of reinstatement if the candidature is unsuccessful.

5.0 REINSTATEMENT

There is no automatic right of reinstatement if a public servant resigns in order to stand for election to the House of Keys or the Legislative Council and individual terms and conditions of service/employment should be complied with.

However, if asked to do so by the public servant concerned, the Accounting Officer should be prepared to give an indication before the resignation takes effect of the likely outcome of an application for reinstatement in the event of the candidature proving unsuccessful.

¹The requirement to resign and have notice expired is derived from Section 12 of The Isle of Man Constitution (Amendment) Act 1919 which deals with the qualifications of elected members of the Legislative Council.

A public servant who has resigned to stand for election to the House of Keys or the Legislative Council and who hopes to be reinstated if unsuccessful :-

- a) should ensure that they do not use any information (other than information in the public domain) acquired by virtue of their position as a public servant in their election campaign;
- b) should be mindful of the effects of expressing inappropriate comment and must avoid personal attacks against third parties.

6.0 LEAVE FOR PARTICIPATING IN ELECTIONS

There is no entitlement to special leave (paid or unpaid) for the purposes of conducting an election campaign or associated activities.

Public servants who wish to take time off for this purpose will be expected to use annual or flexi-leave. In granting requests for such leave, managers will be required to consider service delivery needs but will endeavour to enable the public servant to exercise his rights as a citizen.

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